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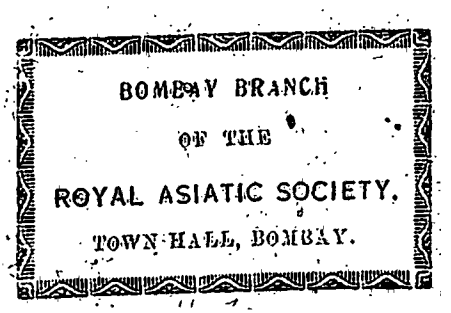

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SECOND JUDGMENT

OF

BABYLON THE GREAT:

OR

MORE MEN AND THINGS

IN THE

BRITISH CAPITAL.

44735

BY THE AUTHOR OF "BABYLON THE GREAT."

Δείξω σοι τὸ ΚΡΙΜΑ τῆς πόρνης τῆς μεγαλης, τῆς καθημενης ἐπὶ των ὑδατων των πολλῶν.

IN TWO VOLUMES.

VOL. I.

LONDON:
HENRY COLBURN, NEW BURLINGTON STREET.
1829.

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TO

THOMAS TELFORD,

THE ENGINEER,

WHO,

IN THE INTERVALS OF AN IMPORTANT,

ASSIDUOUS AND SUCCESSFUL

PROFESSIONAL LIFE,

HAS FOUND TIME TO DO MORE REAL KINDNESS

THAN ANY ADVERTISING PHILANTHROPIST,

WHO

HAS RESCUED MORE GENIUS FROM OBLIVION,

AND TURNED MORE TALENT TO

THE BEST INTERESTS OF

HIS COUNTRY,

THAN ANY MÆCENAS OF ANY AGE,

AND WHO,

BY INSTITUTING

THE ROYAL SOCIETY OF CIVIL ENGINEERS,

HAS GIVEN STABILITY TO

ENGLAND'S BEST ART,

THESE VOLUMES ARE INSCRIBED,

BY

THE AUTHOR.

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A

SECOND JUDGMENT

BABYLON THE GREAT.

CHAPTER I.

LEX BABYLONICA.

"*Law* is a bottomless pit."

ARBUTHNOT.

THOUGH the law, as emanating from the two housefuls of wise men, of whom I treated largely and gently in my former notice of the mighty City, as raked out of the usages of the many scraps of nations which form the Babylonian population, and as delved out of that most dark and singular of all mines—"the wisdom of *their* ancestors," be not the prominent and peculiar type of the Babylon, as distinguished from the rest of the country of which it is the metropolis, yet it meets

one at so many points, opens so many trap-doors for catching the cash and comforts of the unweary, and calls so loudly and so experimentally for *second thought*, before any one should have any thing to do with it, that it seems the very fittest subject to set in the fore-ground of a Second Judgment of the Babylon.

With all its train, there are probably as many persons connected with the law in the Babylon as, if their prowess be at all equal to their cunning in stratagem, could defend the city against any invading army; and they, aided by the sapience of the two housefuls aforesaid, have rendered the book of the law so completely a book in an unknown tongue, that no man can read a line of it to profit, without having a lawyer at his elbow. The profession are, indeed, inseparable adjuncts in every transaction of consequence, almost in every event and action of a man's life. It is true that they do not obstetrically bring us into the world, neither do they physic us out of it; but, if a man's identity—his being himself and not any body else—be a ground upon which he is at any time to inherit, he must be prepared with legal evidence to show that he is himself; for in law, the memory, the consciousness, and all those matters that the mental philosophers bring forward, in order to convince John that he is John and not Joseph, go for

nothing. The man cannot be a witness in his own cause; and however strong may be his conviction that he is John, and none other but John, yet Joseph he must be, if he cannot find witnesses who shall swear more terribly that he is legally, and according to the statute as well as the usage, John, than others swear the contrary.

It has sometimes been the custom of nations to venerate their idols in the ratio of their size, sometimes in proportion to the number of their parts, and the odd and uncouth way in which they are put together, and sometimes in proportion to the destructive powers of the being, real or metaphorical, of which the image was the type. This has been the case, not only with the ancient Babylonians, who were dazzled with the altitude and golden head of the idol, without paying any attention to the falling off in the lower extremity, but also with the Egyptians, the Hindoos, the Mexicans, and almost every nation which has had things of its own invention and construction to worship. The case is somewhat similar with the Babylonian Law, of which the size is greater, the parts more numerous and more incongruously put together, and the victims that are daily immolated to it greater, than ever was the case with the most gigantic, the most hideous, the most blood-thirsty idol, that the most wild and savage imagination ever devised.

What with Common Law and Statute Law, Civil Law and Criminal Law, Ecclesiastical Law and Law of the Quorum, with "general customs," "particular customs," "certain particular customs," uses, prescriptions, statutes, statutes to explain statutes, statutes to explain the explanations, statutes to amend statutes, other statutes to amend the amendments, rights of persons, and things, and places, privileges of Peers, privileges of the Church, privileges of Corporations and other chartered and parliamentary knots of persons—all of whom have "a little go" in the law-making line themselves, privileges of married women, privileges of members of the Commons, privileges of prisoners and bankrupts, with an endless file of other matters, all in duplicates, with a wrong to every right as a foil to set it off, and without which the right would not be known, render the old definition by Arbuthnot, not applicable to the law generally, how well soever it may apply to the cure of any hapless individual that may have the misfortune to fall into it. As for the Common Law—the *Lex non scripta*, it is the most uncommon kind of thing that ever existed in any country; being just what any judge, whom future judges may be pleased to consider as an authority, may have chosen to call it; and if you want to know how it is on any particular point, though the

law itself be not written, you are compelled to read as much as the universal history, and may miss what you are in search of after all. Of the written law again, a beggar's cloak is both the true and the admonitory type, all the art of man cannot tell what is a part of the original fabric, or which is "the master clout."

Why a personage so wise withal, and so little disposed to put his weighty wits a stirring for nothing, as John Bull, should have so interminable and incomprehensible a code of laws is not a little puzzling. In his ordinary business, John is as quick-sighted as a lynx; but the moment that law is the subject, John shuts his eyes, puts his hands on his ears, dashes into a crowd of lawyers, and generally comes out with his pocket picked, his head broken, or both.

A good deal is, no doubt, owing to that doggedness in John's character, which makes him stand up so much for any thing that is. Other folks abandon the old fashion when they get the new; but, in his law at any rate, John keeps them both; and they sort so oddly together, that the motley is worse than that of any minor fool.

As for the statute law again, it comes from various sources, and is bent and accommodated to various interests, all of which jostle and run counter to one another. The whole system of private

statutes, be they for what purpose they may, is nothing else than a series of inroads on the general law of the country,—an investing of certain parties with powers or privileges which the law does not give to all men in the same rank of life, and which are, consequently, wrongs against the common law, and invasions of the rights of the many for the gain and emolument of the few.

One cannot altogether tell the deeds that may have been done in former times by those little parliaments—the bones and pickings of which are said to have been always equal to the average cost of a contested election—in the dark days, and when the public had no knowledge of the matter, and no interest in it; but some idea of them may, however, be formed from the fact that, in the luminous year 1826, the Grand Junction Water Company, who had taken the public by a regular succession of bills, contrived, in spite of the Chairman of the Commons' Committee (bless him, poor dear immaculate!) to get a clause inserted into a bill, enabling them to levy *three hundred per cent.* more upon the public; and that without taking one single shrimp, barnacle, or horseleech out of the water. Nay, the abundance of creeping things in the water, as given out by the said Grand Junction, was probably the only ground upon which the increase was sought. There is no evidence that any of the

finned or feeted things, that are bred in the waters of Babylon, are poisonous; and, as those that are pastured in such streams as that which, meandering through all the flower pots of Brompton, Pimlico, and Ranelagh, gurgles soft into the wooing river just by where the Grand Junction now have their "dolphin," (and from which junction of streams, and junction of qualities in the waters which they take up, they have their name of Grand Junction: *q. d.* Ranelagh sewer joined to the Thames; and the black water thereof, joined to the yellow waves of the former),—as these must be, in fine flesh and pride of grease, they are worth something. The value of insect-loaded water, as compared with water which has not that advantage, is not, however, any part of my present purpose. That is, merely to notice the fact, that in 1826, a clause in a private bill, allowing the public to be charged three hundred per cent. more than they had been charged before, was passed, to the utter horror of the chairman, who stood staring at it with the well-turned eyes of an owl; and, if he was not dead, he was, for all purposes of opposition to the clause that spell-bound him, as Paddy says, "speechless."

Another thing that spoils all the working of John Bull's laws, is something which, for want of knowing a better or more descriptive name for it,

John calls *discretion*, the which discretion, in as far as the credit of the law and the honest service of the public are concerned, is the *least discreet* thing that any person could invent. Crippled by this discretion, the law puts one in mind of the penitent going lame, limping, and sorrowful, along his expiatory way. The penitent seemed withal a lusty penitent, broad in the shoulders, and well set in the limbs; but he wriggled and hobbled as if he had been put together with pegs and packthread, and groaned as if all the plagues of Egypt had been upon him. Not a plague was there however, not a disease; but the man's understanding rested not on matter as smooth as the soles of his shoes. There was a handful of hard grey pease in each, and they, small and paltry as they were, had mashed the said feet to jelly. Just so, the law of England is an able-bodied law; but discretionary power is the grey pease under its feet, by which it is wofully crippled. This discretion runs through the whole, from Royalty to Jack Ketch, and from Jack Ketch back again to Royalty. The informer has a discretionary power, whether he shall lodge his complaint, or take the bribe from the party and hush it up; the witness has his discretion, whether he had better appear in court or be bought off; the prosecutor, in criminal cases, has his dis-

cretion, whether he shall "speak with the prisoner," that is, under cover of law, compound a felony; the police magistrate, and he of the quorum, have discretion, whether they may or may not alter the meaning of the whole vocabulary: any one, in short, that has any thing to do with the laws, other than to obey them, has some discretion or other—some power, not only of saying, but by more substantial proof showing, that the law is not the law, unless it accord with his pleasure and profit that it should be so. Now when a law is so miraculously brittle among the fingers of all who have the official handling of it, it is impossible to prevent other people from following the example, and fancying that the laws are made for the very purpose of being broken.

Indeed, the number of persons who live, and live well, by the breach of the laws, is so great, they act so in concert, and are withal so influential, and the system carries with it so great and so profitable patronage, that to individuals in the pursuit of their interests, the breaking of the laws is a matter not only to be desired, but to be brought about by every wile and stratagem; and such are the prize and the profits, that considerable risk and trouble and expense may be borne, and are borne in this singular pursuit.

Nor is this all: for, in the criminal part of the

code, the temptation is applied directly to the law-breaker. To him the matter is a series of lotteries, in each of which the prizes outnumber the blanks. First, there is the chance of not being detected; and upon this the party does not stand upon the mere fact of concealment; for there are, or there have been, means by which the putting of some underling of the law, some nominal guardian of the property of the people, paid by the people for that purpose, in possession of a part of the secret and the profits, the crime is hidden, suspicion is lulled asleep, and the individual, or the organized gang, can carry on the system for years. Should that go too far for being hid, there is yet the collusion and the negotiation, by which the injured party buys the injury of others, at the cost of half what he himself has lost. But he is brought up, the evidence against him is clear and conclusive, and he is committed; then, of course, he is at the mercy of the law, and shall answer according to the statute? How stands he in funds? that is the question: and if the answer can be given in good and lawful money of the realm, to the proper amount, he may still snap his fingers at the gallows. The indictment has to be drawn, not by any public officer who stands secure in his living by a public salary, but by some private person who depends wholly upon his

fees, and to whom the side of the cause that can fee the best, is always the better. He is not, of course, confined to the party who employs him to draw the indictment. He is open to other clients; and as he is not bound to know that which is not told to him, how is he legally to find out that the party that fees him to a formal flaw, has any knowledge of the party against whom the indictment lies? But the flaw does not "scale out;" the indictment stands, and the trial goes on. But the jury? Ay, thanks for that: the jury is incorruptible; they belong to a class of men on whom money can have no influence, and with whom it would, of course, be in vain to tamper; they have no feelings, or prejudices either; and they are always possessed of intuitive νους, by which they can see the right and the wrong of any case. All this, of course, must be conceded; but out of it there arises a little argument, with which the wisdom of the largest wig might find it somewhat difficult to grapple. If twelve plain men are to be the ultimate judges, what *is* the use of all the previous and expensive machinery? Some one else must do Œdipus upon that; for really I cannot see in what latitude the solution lies. Well, but all that is got over, the case is clear, and the man is condemned? There are chances still; some officer must take him to some place in some sort of vehi-

cle. That may be a hackney-coach, belonging to some of those philanthropic licentiates, who devote their vehicles to the relief of the distressed. Jarvis may be a wayward fellow; he may drive so furiously, that the officer shall lose all knowledge of the direction and distance, and, ere he has recovered, the coach may have halted, and the criminal may have stepped out and vanished, in a street in which the officer had no thought of being.

Even should that fail, there are still hopes. The King is merciful,—most properly has he the power of pardon; it is the paramount jewel of his diadem. But the King does not attend the trials; he does not weigh the evidence; he does not even read the reports; he pardons at second-hand, according as his officer furnishes the list. The officer is a man of the most rigid honour and honesty; he takes no bribe; he has no respect for persons. But there are men who support him, because they know his worth, and venerate his virtues; and he would be most ungrateful, if, in return, he did not do an act of mercy at their suggestion. Here a chain commences, of which, though the first links be beautiful, it is not easy to trace the concatenation, or know the end. Originating in veneration for the security of a minister, and proceeding by gratitude for that veneration, it may

run on and on, till a thief, or a habitual dealer in stolen goods, hang bobbing at the nether end, and be, in fact, the motive weight that puts the whole in action. Such are the glorious uncertainties of the law—glorious to the guilty, but gloomy in the extreme to the public.

In all the departments of the law, the anomalies are quite as absurd; and yet the law professes, in all cases where it is not hedged in by privilege or custom, to proceed strictly in accordance with equity and justice.

Take a very plain case, and one which is of more frequent occurrence than any other,—that of a tradesman to whom a debtor owes a small sum, which the creditor is unable to get paid just at the time he wishes. There must be one of two reasons for this non-payment: the debtor is in the mean time unable to pay, because he is a poor man; or he is unwilling to pay, because he is not honest. In either case, the creditor brings his action. If the debtor be poor and honest, he does not, of course, employ lawyers to defend the case for him, because his honesty renders it improbable that he would have recourse to the law, in order that it might help him to do injustice; and his poverty renders it impossible, because, without money, not a wheel of the law will move. Notwithstanding this non-

opposition of the debtor, or even an admission on his part that the debt is a just one, the law will not be satisfied, and give the creditor power over the goods of the debtor, until numerous and complicated operations have been gone through, and an expense amounting to double, treble, or even ten times the amount of the debt has been incurred; and all for what? Why, merely because if the justice was satisfied—if equity and justice, which are the foundation of all law, saw that the claim was a just one, the lawyers would not, until they were paid for the opening of their eyes.

But if, on the other hand, the debtor be not honest, there are so many traps and turnings in the law, that he can contrive to delay the necessity of payment, until, by that delay, and by the expense to which the creditor is put, the ultimate gaining of his cause may be a positive loss; and for this reason he may, out of kindness for himself, as he does in the other case out of kindness for the debtor, abandon his claim altogether; and such an abandonment cannot fail to injure the temper of the one party, and the morals of the other.

Now it really strikes me, that at least one of the radical causes, both of the inefficiency and the oppressiveness of the civil law of England, is a remnant of personal slavery, the origin of which must have been in remote and barbarous times; I

mean the attachment of the person of the debtor *in limine*, when the point at issue is the mere matter of an unpaid pecuniary debt, which may be just or not just according to the evidence. This brings into the market—into the common money-market of England, a commodity of which the better laws of the country not only prohibit the sale and purchase there, but annul every such purchase while the subject of it remains upon English soil. England boasts, and as far as the boast goes, it is a proud one, that as long as a slave stands upon her land and breathes her atmosphere, he is a free man. But it is somewhat inconsistent, that, in the very teeth of this boast, every Englishman who is indebted in a sum exceeding twenty pounds if he is a householder, and any amount however small if he is not, and who may be unable to pay it at the moment it shall be demanded by his creditor, must instantly be made, not indeed a labouring slave to that creditor, by the proceeds of which he might soon liquidate the debt, but a close captive, deprived not only of that liberty—that personal liberty of which England boasts so much, but rendered in the mean time incapable of making any efforts for discharging the demand that is upon him, and besides be so degraded both in his own estimation, and in the estimation of all who previously knew him, that his chances of being

afterwards able to make payment, even although that payment were not increased by the expenses of this procedure, are very much diminished.

In a country like England, whose prosperity depends so much upon its commerce, and whose commerce requires, or at least enjoys, so much credit, every reasonable means should certainly be afforded by law for the preservation of good faith on the part of the persons who are thus allowed either to enjoy or to profit by the advances which are made to them by others; but besides the degradation and misery which it involves, and the door which it opens to ultimate evasion and fraud, there is something so palpably absurd and inconsistent in this matter of personal captivity, that one cannot help wondering why, amid the overwhelming mass of modern legislating, no one has effected its abolition. The foundation of all law should be equity; and therefore, before it be the universal practice that the first thing upon which the law is to seize as an equivalent for a sum of money is the person of the debtor, it should be defined in law, how many pounds or shillings or pence an Englishman of every rank in society is worth; and a tariff should be made, setting forth the value of a squire, a yeoman, a citizen, a burgess, and all the other denominations of society, in all their varieties of talents and character. The

practice is similar in all other securities: a creditor does not take a mortgage on an estate or an income, as surety for the lending of money or the furnishing of goods, without especial care to ascertain the value of the estate, and the certainty and duration of the income; and before a money-dealer discounts a bill of exchange, he looks warily that the document itself is not faulty, and that there are, at least among some of the parties concerned in it, funds adequate to the retiring of it when it becomes due; and therefore, before a creditor gives credit,—takes the power of imprisoning his debtor, as the only security for payment, he ought, not merely by parity of reasoning, but for a much stronger reason—the perishable and changeable nature of the commodity, have it demonstrated to him in black and white, that the personal liberty of the debtor, if sold at open market, would fetch the sum for which he receives it as security.

It may be objected, that to set a money price upon the personal liberty of all or any of the varied inhabitants of England, is not only absolutely impossible in practice, but utterly absurd in principle,—that personal liberty, and money or other physical property, are not quantities of the same kind—and that to attempt comparing them, and estimating the one in terms of the other, would be every bit as foolish as to ask how many

miles of a road were equal in length to a summer's day, or how many pounds weight were the exact measure of an acre of land. To which I would answer, that, in this very absurdity is contained an argument against the practice, to which there neither is nor can be any reply. Property and liberty are incommensurable quantities: no depth of arithmetic can tell how much of the one of them is equivalent to any given portion of the other; and therefore unless they be, as all other commodities are, referred to some common standard, such as money, what can be more nonsensical, and it has worse properties than being merely nonsensical, than attempting to make the one an indemnity for the other.

But so little was personal property recognized when the wisdom of our ancestors willed that such should be the rule, that the law of England does not so much as recognize a pecuniary debt as the ground of an action; not even, I believe, though that debt be due, and on a regular document, which has paid both the fee to the lawyer and the stamp-duty to the public. The creditor cannot come into Court, unless he come with a lie in his mouth. If, indeed, he makes affidavit of the debt, and swears to it, whether falsely or not, (for the law of England has great respect for swearing,) the Court must hear him, and the writ will issue

as a matter of course. But how does the writ run? does it embody the facts sworn to in the applicant's affidavit, and call upon the debtor to make payment within a reasonable time, otherwise the judgment of the law will go forth against him, and by its power his goods will be seized, and given over to the creditor? No such thing: the writ sets forth that the man whose offence (and it may probably be not so much his offence as his folly, acted upon by the importunity of the person who now sues out the writ, when he was eager to make a profit by the bargain, and in that eagerness overlooked the probability—perhaps the strong probability—of ultimate loss,) is merely negative—a failure to fulfil a civil contract, is guilty of a direct trespass—a violent breach, not of the civil but of the criminal law,—that, combining together with John Doe and Richard Roe, or one or other of them, (persons whose existence is just as much a matter of fact as this solemn declaration issued from, and countersigned by, a high and honourable legal authority,) and a whole host of auxiliaries armed with spears and pikes, and the Lord knows how many weapons of war and destruction, he came upon the poor man's grounds, destroying his property and threatening his life. Having begun with this precious averment, it goes on to declare that the debtor, always

accompanied by Doe and Roe, or either of them, is running up and down throughout a whole shrievedom, in order to screen himself from that justice, which the daring audacity of himself, his associates, and their gang, has so monstrously outraged; and having thus stated, it charges and commands that the keepers of the public peace shall bring—not payment of the debt, or even attach the debtor's goods to prevent them from being embezzled, squandered, or secreted — but the debtor himself, in order that he may answer for the crimes charged in the preamble.

Absurd and contrary to justice as this proceeding is, and ruinous as it is for those who wish to be honest in their misfortunes, it is said to do well for others; for those who will play as long as they can at hide-and-seek in the corners and doublings of the law, and who, when they can do no better—that is, when they cannot disburse another fee—will take up their abode in the King's Bench Prison, or the Fleet, or the rules and the liberties thereof, snap their fingers at their creditors in the mean time, and ultimately shake off the whole load of their incumbrances at the Insolvent Court.

When misfortune or accident brings a man within the power of this department of the law, it is a matter of election with him whether it

shall ruin his fortunes or break down the tone of his moral feeling. The number upon which it has the former effect is very great; and if any one imagines that those upon which it has had the latter are few, let him visit the King's Bench and the other prisons, and also note the conduct of the majority of those who through these gates have escaped to freedom from their creditors.

Bearing in mind, that, in every case of honest inability to pay, the debtor is either an object of protection, in consequence of misfortune that must have occurred to him between the time of contracting the debt and the time of payment; or the creditor is a sharer in the blame, inasmuch as he either granted the credit without making due inquiry, or derived such a profit from the granting of it as ought to be considered a premium of insurance: bearing these things in mind, it is right that there should be some protecting power in the law—something that shall not allow an honest man to be doomed to everlasting starvation, or everlasting imprisonment, for a mere involuntary breach of civil contract,—a breach too which may, in other respects, fall more heavily upon him than the loss of that which he is unable to pay falls upon the other party. But this is a matter of extreme delicacy and difficulty: the whole legislative wisdom of England has been at

work upon it for ages; they cobble it every other Session of Parliament; but their pieceings and patchings are like "putting new cloth upon an old garment,"—they "make the rent worse;" and how long and loud soever may be the reports of Committees upon it, they are "full of sound and fury which signify nothing."

A system of law founded upon a moral absurdity cannot be a very secure one: and the fact, that the whole of this branch of the law of England proceeds upon a principle of positive slavery —a presumption that the first thing the creditor is to seize and pay himself out of, is the person and liberty of his debtor—is the root of the whole evil. One who would speak equitably upon this subject, would say, "Attack his goods—get hold of them, by legal means indeed, but summarily and before the fear of a gaol and the dreaded loss of character and employment shall drive the man to do any thing fraudulent." It might be said that this would be a restraint upon business,—that the security over men's liberty—and especially over the liberty of Englishmen, who have so much of it, and are so fond of it—adds wonderfully to the whole value of the general mass of securities that uphold credit, and enable trade to be carried on; but if they who give credit were made perfectly aware that they could look to nothing but

property for the re-payment of their property, and that no Englishman could be deprived of his liberty, unless in the case of fraud or crime of some sort, then, though the extent of credit might be in some instances diminished, yet its stability, and therefore its usefulness, would be very much promoted, and a great deal both of misery and of positive vice would thereby be prevented. It may seem somewhat singular to those who have not reflected upon the subject, but it is a fact, and a fact which is demonstrated fully as much by the laws of England as by any other code with which I am acquainted, that the thing most difficult to be guarded against in the framing of a law, is the preventing of it from making, by its own operation, the very offenders whom it is its object to punish. That the criminal law of England has, in many instances this effect, has been shown again and again both in the House of Commons and elsewhere; that the Court of Chancery has had this effect—more, perchance, on account of the creeping slowness of its motions than of any thing else—has also been felt as well as demonstrated: and there can be just as little doubt that such is the tendency of at least some parts of common civil law; and among these, not the least in the department to which I am alluding, because that, amid the facilities and the fluctu-

ations of a commercial country, is the one which comes the most frequently into play.

One evil in the management of criminal justice, for which it would be very desirable, and might be possible, to find a remedy, is, making the party who suffers by the crime, the prosecutor in the punishment of it. Independently of the expense which the civil departments of the law costs individuals, in fees and in taxes, and of the expense of the criminal department in those salaries and allowances which are paid out of the general and local taxes, it is somewhat hard, that, if a man shall get his property stolen, his house broken into, or his life nearly taken away, he should be the instrument, and, in the first instance, the paymaster, in bringing the offender to justice. When a crime has been committed, though the immediate suffering or loss may be to the individual, the injury set forth in the major proposition is an injury done to society; and therefore the vengeance belongs to the public, and should be demanded in the name of the public, through whatever officer the demand might come.

Private prosecutors standing up and demanding exile or death against their fellow-subjects, for what their presence there gives an impression can be nothing more than private offences; their begging when the trial is over for repayment of the

expense to which they are put; the hurried and apparently heedless mode of conducting this most solemn of all business; the cold-blooded indifference of the Old Bailey pleaders; and the whole appearance, keeping, and conduct, of that foremost of Babylonian receiving-houses for the hulks and for the gallows,—make the Old Bailey Sessions among the most painful scenes that a feeling mind can contemplate: and setting aside altogether the monstrous discrepancy that there is between many of the crimes and the punishments, the consequent necessity that there is upon the part of the Crown to extend its prerogative of mercy to a great number of those whom the law dooms to die; the effect which this hope of mercy has upon the sentence itself, and the agony and consequent despair which it inflicts upon those who must ultimately undergo that punishment which humanity doubts whether man, under any circumstances, should dare to inflict,—betray a want of the fit solemn slowness and awful dignity, about the Babylonian Courts of criminal retribution, from which one cannot help turning away as from a painful and pernicious thing. The men and sometimes also *(proh pudor!)* the women of Babylon, frequent those scenes; not to learn wisdom, but to seek amusement—to gratify that restless and rapacious curiosity, which will not be

satisfied with the things and other occurrences of a very large and very full epitome of the world. Nay, they will not only attend as matter of amusement, and laugh and joke while the scales of life and of death are quivering with their final poise; they will come there in order to ascertain whether the bets which they have taken—the base gambling sums which they have staked upon the turning up of life or death for their fellow-creature, are to be won or to be lost. Without this abomination, the scene is revolting enough; but with this, there is not a brand of infamy deep enough, and deformed enough, for marking its enormity.

One cannot help regretting that in these Courts counsel are permitted to do so little for those who probably fee them with the last money they can borrow, and that the little which custom permits them to do is done in so heartless and heedless a manner.

When all else appears to have deserted the hapless victim of the law,—when the private prosecutor has sworn against him,—when learned counsel has stated the case,—when the witnesses for the prosecution have given their evidence—that evidence which has been known and arranging all the time that the party charged has been immured in a prison,—when the few brief cross examinations have been made,—while the prisoner stands in open

view of all the spectators, with the reflected light of a mirror disclosing every line of his face, and judge, jury, and the spectators, are all entirely engaged in trying him both by the evidence which has been sworn against him, and by that which appears in his own expression; at that moment of pain and difficulty he is called upon to make his defence—to collect his scattered thoughts and summon his tortured nerves, in order that he may be a match for cool men and cunning lawyers. All this from the world he might possibly bear, but that which cuts to the heart is yet behind; his counsel rises, pulls his gown about him, instinctively puts his hand in his pocket, and jingles the fee in the hearing of the poor wretch whose last hope was, and to that moment is, the assistance which that fee is to procure. But does the sage counsel plead? Does he make one effort to turn the scale of justice; or failing that, does he appeal to the proper sources of mercy? Does he tell the jury, in the language of that Gospel upon which they are sworn, that "with whatsoever judgment they judge, it shall be judged to them again?" Does he dwell upon the temptations to which the unfortunate person may have been exposed—the hard necessity which, in an hour of madness and despair, tempted him, when man would not "give him leave to toil," to put forth his hand, and take upwards of forty,

shillings in a dwelling-house, in order to save, from that starvation which he had no other means of preventing, those whose lives were dearer to him than his own? Oh, not a jot! The man of law, whatever else he may have learned along with it, has learned to avoid the statute himself; and so, pulling his gown around him, and chinking his fee, as I have said, he delivers these words of conciliation, with any thing but the most kindly looks, "If you *have* any thing to say for yourself, now is your time to say it, for I can do no more for you;" and with that he flings himself out of that Court, to attend in another, pocket another fee, and make merry thereupon, at the very moment, perhaps, when the poor culprit is undergoing sentence of death, for want of the very assistance which the learned person could have rendered.

Besides the cruelty and abomination which may be perpetrated under the cover and pretence of the regular law; and the sums which the extortioners, connected with the lower departments, may wring from the timid and the ignorant, the matter is rendered worse by mock attorneys, who go about selling that legal counsel which they cannot deliver. The sum of which these harpies annually defraud the public, by obtaining fees for the purpose of raising suits, and from defendants for pretending to stay them, has of late years become so

great, and the parties have become so open and daring in their depredations, that a special statute would be demanded for the regulation of the matter. The mischief which is done by licensed dealers in law is quite enough, without any of the additional infliction of smugglers. In this, however, as in most illegal practices within the Babylon, there is protection if there be money to pay for it.

CHAPTER II.

BABYLONIAN LAW.—6.

COURTS AND CASES.

"The law, you ought to know, was put into the hands of very wicked men."

CORONER OF THE TOWER HAMLETS.

THE worshipful person by whom these words were spoken, upon an occasion of the most melancholy calamity, probably meant their application to extend only to the period of time then and there described by himself,—the commonwealth, or time that intervened between the abscission of the first Charles of "ever blessed" memory, and the restoration of the second Charles of memory—*secundum quid.* But as there was a certain person of the name of Jefferies, who did not fall just within this lapsed and sinful period, to whom the opposite of the epithet, in the motto, hath never been applied; as the words were a sort of "Crowner's 'quest" upon the legal character, at least in as

far as the administration is concerned; and as they were more immediately addressed to a barrister, of whom I have never heard even Envy herself predicate any thing but the very opposite of wickedness, I have here set them down as a reason why I do not even attempt to depict and dissect the chief men, whom I found administering the Babylonian law, in like manner as I have, in a former volume, attempted to do those by whom the said law is patched, turned, altered and eked out, in the two Houses of Parliament. There are also some other considerations moving me hereunto: as, a judge, being chiefly made up of the two elements of formality and gravity, is not very well adapted for the light portraiture of the quill, how well soever he might do for Chantrey, or any other "man of stones;" and a pleader is, by the nature of the law itself, so trammelled with forms, and lost in words, so much in the rut of speciality, that he is shorn of the ordinary attributes of man, and is probably the more effective the less claim that he has to genuine eloquence and sound philosophy. The law of England is a thing *sui generis*, not founded on reason, or proceeding upon any of the principles recognized in science; and therefore the character and qualities of a good lawyer can be known and appreciated only by the profession, to whom these volumes are not specially addressed.

Instead of wasting time upon individuals, my business must rather be to point out the various crucibles and forms in which the Babylonian law is melted and moulded; and here, though from my own observation of the dull flatness of the whole, I should be tempted to ask with Fuseli, when the dandy student came boasting about his drawing, "Pray, do tell me which is de top?" yet I shall begin with,

CHANCERY, *to wit.* In all those elements that belong to the Babylonian courts, form their peculiar essence, and stamp upon them their character, as distinguished from the courts of all other nations, the Court of Chancery stands pre-eminent. It takes under its care the greatest variety of persons and their interests; its proceedings are the most tedious and the most expensive; want of attention to its forms is attended with the most serious consequences; and its judgments proceed upon principles the most inexplicable to every man who has not been duly initiated into, and carefully studied its mysteries.

To describe the Court of Chancery, as a scene, is utterly impossible: For when you have said that a man with a wig of one fashion, with an embroidered bag at his feet, sits upon a platform, as the high-priest of incomprehensibility; that a dozen of men and boys without wigs sit in a hole below,

with their backs turned upon him; that half a dozen men with wigs and silk gowns, and each a purple bag at his elbow, and a bunch of waste paper before him, occupy a pew immediately across the hole; that some dozens of wigged men, some with blue bags, and some not, sit in pews behind, intermixed with wigless men, who appear to be emptying themselves into the ears of the former; that, ever and anon, as one of the men with the blue bag gets on end, and essays to lift up his voice, a purple bag—no, a purple bag-man—gets up and claims precedence;—that of whatever may happen to be spoken, you do not understand one sentence; and that, though you inquire, everybody is just as ignorant as yourself;—you have said all that can be said about the Court of Chancery, as a thing perceptible to mere mortals, or open to the cognizance of common observation and common sense. You find no place for witnesses or jury, no means by which facts are to be got at, or the truth weighed; and, just as folks of old said that truth was found only in a well, so do you discover that equity is found only in a bag; but whether any one ever gets it out of that bag, you are not, and you cannot be informed.

Therefore, instead of wasting time upon the appearances of the Court of Chancery, I shall trace the steps of its progress in one of its shortest and

most straight-forward journeys, that of a common suit in equity.

The key by which the doors of Chancery are opened to let in a suitor, is the same that opens the other Babylonian courts—*swearing;* but while the "affidavit of action," (which must be doubtful in many cases, and downright perjury in not a few) may, for admission to the other courts be taken at any common swearing-house, the Court of Chancery, from a laudable love of fees, keeps a swearing-house of its own in Southampton Buildings, Chancery-lane, where the twelve "masters in ordinary" rule the year and the terms, like the signs of the Zodiac, or the twelve moons of the Mussulman's annuary, and, *inter alia,* listen to any person that may swear any thing for the fees. In order that access to the court of *equity* may be facilitated, and expedition given to the good work of swearing, there are "extraordinary masters," some of them very extraordinary ones, spotted here and there all over the country, each of whom, upon the fee being paid, is ready to receive and give authenticity to any quantity of primal, medial, or final—no not *final supplemental* swearing.

Philosophy has had easier tasks than that of showing that any system, which is put in motion upon an *ex parte* oath, upon which the very necessity of the case casts a doubt, can be very pure or

very beneficial, more especially as the Court of Chancery is so framed that the averments upon oath are, at no stage of the suit, sifted by cross-examination.

Well, suppose that you have an action which you cannot bring at common law; that you feel or fancy a wrong, for which that law, which, if you believe Blackstone, "has a plaster for every sore, and makes a sore for every plaster," can give you no redress—that you have been nonsuited on a point of form, or "thrown over the bridge," in any of those ways that are so much matters of course with lawyers and judges, who get their fees all the same, but which to you, or any one else who sought right and got wrong, are so galling; away you go, swear your swearing, file your petition, and you are in Chancery, *to wit*.

You will observe that your affidavit, and the petition in which it is translated out of the vulgar tongue, may be lies every word: the object is to make a "first impression" on the court; the showing which is *ex parte*, may be coloured to any shade you please; and if part of your prayer be to stop any thing that is doing, you may get an *ex parte* injunction, though it should turn out to be wrong, and occasion the ruin of the matter at issue.

Injunction or not, the court will issue its *subpœna*, commanding the other party to appear and

answer the complaint. He may live in a remote part of the country, where the nature of Chancery is not known; the complaint may be frivolous or groundless, and he may pay no attention to the mandate. In that case, woe be to him! he is in contempt, and liable to perpetual imprisonment; for contempt of Chancery is the dreadful sin, for which ghostly or bodily there is no pardon.

But though the visitation for this contempt be fearful, it is not speedy, "a door turning upon its hinges, or a sluggard upon his bed," is the wing of the lightning or of the light, as compared with the most rapid motion in Chancery. Of all grandeur slowness has ever been an element; and as there is nothing in the way of a court half so grand as the English Chancery, there is nothing so slow—saving its own reformation and amendment. The demand is instant, but no notice is understood to be taken of it till the next term. That comes: the solicitor enters an appearance; gets eight days to think of the answer; and when these are expired, he moves for an enlargement till the next term, and gets it. Three more motions for delay can be made, of course,—one for six weeks, one for four, and one for three. Thus, at the end of the first year, there have been five or six sets of fees for motions, and the case is not an inch from where it began.

The answer may come at the commencement of the second year; but the court is a court of *equity*, which, at this stage of the business, means, that "the defendant has the same latitude in swearing as the plaintiff;" and thus, the answer may either not go to the matter of your petition, or it may introduce new matter, and thus change the ground and complexion of the suit. Every answer has a chance of being in the one or the other of these two predicaments,—it being always the interest of the lawyers, and often that of the defendant, that it should so be. If the answer does not satisfy the case, you must put in exceptions to it; and if it discloses new matter, you must turn round and petition the court to allow you to amend your bill. If you are to take exceptions, you have eight days allowed you in term time, or eight days of the next term, if in the vacation. This is as matter of course, and by motion and order you may, paying fees as you go, get half, or even the whole, of the second year.

At the beginning of the third year you may file your exceptions, but whether they are to be made peremptory or not, depends on yourself; and thus you may, at this—the very threshold of the case (for though it be three years old, it is not yet formed)—you may "hang it up" as long as you please.

It may be, however, that you have no wish to delay; but that, at the end of the eight days of the third year, you "refer your exceptions to the original bill." As matter of course, the defendant must have time to "answer your exceptions;" and, as matter of course again, he gets two orders—upon motion and fee—to enlarge that time, till the better part of the third year be gone also.

But the defendant's second answer may be as defective, or as redundant, as the first; and, after you have run the same course, the third, the fourth, or the fifth, may be no better,—and, though you pay five or six sets of fees every year, the real suit may not be begun at the end of seven years.

If the proper answer should come then, you can put him off for nearly another year; and if you are not then inclined to proceed, you may alter your original bill, or file one in supplement, by which means you may get nearly another year. After this you may get other two half years, upon giving two undertakings to expedite your case; and though at the end of the ten years, the defendant may, in the event of your not moving, get your bill dismissed, you may file another, and work him as before, for other ten years. In this way a rich plaintiff may harass a poor defendant to the end of the longest life.

But you have no wish to harass any body, and

so you join issue at the end of ten years. Well, how stand you now? Affidavit *versus* affidavit, without one tittle of proof; and from the latitude given to you both in swearing, that proof is likely to be no joke. Summon the witnesses, then; bring them into court, and let the adverse wigs work the truth out of them, and His Lordship work the equity of the case out of that. Nay, nay. That might be all very well at a court of law; but equity cannot look at a witness,—like the Athenian Areopagus, it must decide in the dark. The face of a witness might betray cunning or falsehood, either of which would not be seemly in a court of equity; but paper does not blush or look confused, and so it is better to have their declarations.

The way in which this is done is singular: besides the "six clerks of Chancery," there are "sixty clerks of court," one of whom rides on the back of every suitor, as the old man of the sea did on the back of Sinbad the sailor. These sixty clerks seem to be of no manner of use: but their three-legged stools are; and so away the Babylonian witnesses are marched and sworn at the stools, before they be marched to examination in another place. In the country, the mode of proceeding differs a little: there the oaths are taken and sworn before the extraordinary masters; but whether in

presence of the men, or of the stools only, as in the Babylon, I have not been able to learn—neither do I think it of much consequence. At all events, town or country, the witnesses are sworn at one place, and catechised at another. Thence arises an "issue" which had better be sent to a jury, as the court could not probably grope toward it in the days of any man living. It is this: how long does an oath taken by a man upon any subject bind him to speak the truth upon that subject? The taking of the oath is an admission that, before taking it, he would have lied, or, at all events, equivocated; and as he is sworn *de novo*, every time that his testimony is required, it is implied that the obligation to tell the truth is limited to some period of time. Now, as the precise period is not fixed by any statute or usage that ever I heard of, the presumption is, that the impression and obligation weaken gradually; and that therefore the examination should follow the taking of the oath, without any change of time or place. That is not the practice in Chancery; and because it is not the practice, the presumption is, that the same latitude is there given to witnesses as to suitors.

But waving that, the way in which the examination is taken is not apparently the best calculated for eliciting the truth. When the witness

has been sworn, if in the Babylon, he is marched away to the examiner's office; and if in the country, he is marched away to a commissioner appointed by the parties themselves, and all that the court requires of them, is, that they shall fee him and feed him. No sagacity is needed upon his part to bring a reluctant witness to the point, or put a varying one on the proper track. The court has never seen the witness, knows not a thing about him; and yet the court knows all that he can and should communicate. A list of questions is accordingly made out, and sent to the commissioner; and he has nothing to do but set down the answers. The questions partake of the nature of issues, and the reply to one of them has no influence upon the other; and it may happen, in fact it does happen very often, that not one of them can reach what the witness really knows about the case. How can it be otherwise? The party by whom the questions are drawn up, knows nothing about the party that is to answer them, and very little about the case itself.

When the evidence, such as it is, has been obtained, the first step is to *publish* it. Not to set it up in great primer types, advertise it by the booksellers, and sell it in the shops; not to print it in the newspapers, chalk it on the walls, or even proclaim it by the common crier; no. The deposi-

tions are sent to the master, and he publishes them by giving a copy to each party, of that which, one of them at least must have known, and both could have known, without any reference to the master at all. There is a fee, however, not to a man who works for it, but to one who claims it officially, and being official and without value in return, it becomes what John Bull's keepers call a *vested right*, against which even the two Houses of Parliament have no power. Nor is this all. Every fee in Chancery looks to the possibility of another fee; and so, both parties may apply in turn for enlargement of publication; and that whether they have any new matter to introduce or not.

Well, but suppose all this is at an end, in the twelfth year, and that you are to "be in the paper," next term. You now bless your stars that, in three months more, you will get out of Chancery in some way or other. Have patience: there are chances for Chancery yet. Your case must take its turn; and there are probably a hundred before his Lordship, of which hundred yours is the last. It gets into the paper, however; you are full of hope, and your solicitor attends every day. The first cause is *called;* no one answers; the solicitor has been worn out; down goes that cause to the bottom of the list; and you

are one step nearer a hearing. The next cause: upstarts blue bag, and opens his mouth; but ere he has uttered a sentence, in bounces Purple-bag, shakes his silken toga, claims precedence, Jupiter nods, and down drops Blue-bag, as mute as a fish. This goes to your heart like an arrow; for he in whom you have placed your confidence is a blue-bag, and he may share the same fate. Purple bag opens,—heavens and earth, what a pile of papers! his words crawl like a brook in the fens; and as you have nothing else to do, you fag and wonder, and wonder and fag again, to find out what all this broad solemnity of words can mean. At length you find out that it is the third canto of Purple-bag's oration; and so you conclude that it is the last; but just when you fancy that he is coming to something like a peroration, up starts his Lordship and moves off, to learn from the learned Recorder how the gallows thrives at the Old Bailey. Purple-bag creeps into his shell again, and each man wendeth his way, the suitors sorrowing as they go. Next day his Lordship hears appeals in the Lords; and there is no business done in court, save a few short motions of course. The day after, he must attend the Cabinet, and there are short motions again.

That evening the Premier gives a dinner; the Lord Chancellor either under-eats or over-eats

himself; all men have not bowels of brass; and so the next day he is sorely smitten with the headache, or some other grievous malady,—in virtue, or rather in vice, of which the current of Equity stops. Sir Harry Halford, or Sir Patrick Macgregor, works him, as need may be, and in three days he is in court again. But an accident has happened in the interim; a noble Lord has lost his wits—all business is thrown aside—and whip and spur for a commission.

The unwitting of the Lord is, thank God! proved, and next day will get you rid of one *cause* at the least. No: somebody has published a ballad, which somebody else has pirated, and an injunction must be granted before even Purple-bag can be heard. At last he gets up; but it is "the adventure of the Bear and Fiddle" again; and as you find that there are three more to follow on the same side, you and your solicitor conclude that, as matters have gone, one week will be taken for that, and another for the reply. You return at the end of the two weeks—just one day too late; your case has been called, nobody answered, and it has dropt down to the bottom.

After a term or two, perhaps a year or two, of this rout of discipline, your counsel gets on his legs at last, and your cause proceeds at the rate of half a speech per week. At last it is ripe for

judgment, but it hangs till it be rotten: the court has forgotten all the arguments of your counsel, and must take time to read the affidavits, before it can decide. Thus the whole labour, cost, and case go for nothing; and if you had been obliged to come into court with your affidavits and your evidence complete, his Lordship might have taken them home in his pocket, and given judgment the next morning.

But though this intermediate business be very useless, it is very costly. In proof of this I shall quote a few items from the bill of expenses in what one would think a very ample case. The lord of a certain manor had, nearly two centuries ago, bequeathed certain sums to the churchwardens of a certain parish, to be by them applied to charitable purposes; and the question was, could they be applied, according to the will of the donor, or not. The whole bill is like the river in the Vision of Mirza: but the following is a correct extract.

1824.		£.	s.	d.
Dec. 6.	Attending court, three petitions in the paper for judgment, when the Lord Chancellor went partially into the matter, and requested to be furnished with the repealed Local Act, which he said			

		£.	s.	d.
	he would read, and give his judgment to-morrow.....	2	0	0
	Attending the Court all day, three petitions in the paper, when His Lordship said, he had to leave early, but would not fail giving his judgment to-morrow			
1824.	morning.....	2	0	0
Dec. 8.	Attending Court all day, three petitions in the paper for judgment, when the Lord Chancellor adverted to the question of jurisdiction, which he desired to be again spoken to, and requested that the Dean and Chapter of Canterbury, they being the Lords of the Manor of Walworth, should attend him, and appointed Saturday next for that purpose, and requested to be informed as to the mode of appointing overseers at the time the charity was founded.....	2	0	0
11.	Attending Court all day, three petitions when the same were called on, and Mr. Shadwell applied on the part of the Dean and Chapter of Canterbury, to			

		£.	s.	d.
	let the petitions stand over, and the same were ordered till the first seal before Hilary Term, to give the Dean and Chapter an opportunity of considering what course they should take	2	0	0
1825.				
Jan. 11.	Attending Court on three petitions, when Mr. Shadwell, on the part of the Dean and Chapter, stated that he was not prepared to go on, and the Lord Chancellor ordered the same to stand for this day fortnight peremptory	2	0	0
25.	Attending Court all day, three petitions on the paper, but some not called on	1	10	0
26.	The like attendance this day ...	1	10	0
27.	The like attendance this day ...	1	10	0
28.	The like attendance this day ...	1	10	0
29.	Attending Court, three petitions in the paper, the same called on, and ordered to stand for Tuesday next, for the Dean and Chapter to prove themselves entitled to interfere in this matter as visitors	2	0	0

		£.	s.	d.
Feb. 1.	Attending Court all day, three petitions in the paper, but some not called on	1	10	0
4.	Attending Court all day, three petitions in the paper, but some not called on	1	10	0
5.	The like attendance in Court this day, three petitions in the paper	1	10	0
9.	The like attendance this day	1	10	0
10.	The like attendance this day	1	10	0
11.	The like attendance this day	1	10	0
23.	Attending Court, when the Lord Chancellor directed the Registrar to report the petitions in the paper for Tuesday next	0	6	8
Mar. 1.	Attending Court on three petitions, some in the paper, and called on, when the various points suggested by the Court were again argued at some length, and His Lordship promised to give his judgment this day week.	2	0	0
8.	Attending Court, but the Lord Chancellor did not give judgment according to his promise	0	6	8

Such is an authentic specimen of Proceedings in Chancery, and costs of the same, in a case where

it cannot be presumed that there were any angry feelings on the part of the suitors, or any disposition other than that of getting at the equity of the case by the shortest and plainest course. As little can it be presumed that there was any disposition on the part of the Court itself, or of those practising therein, to arrest the current of equity. But if such things happen when all are looking anxiously and honestly to the close of the proceedings, what must it not be if one of the parties be bent upon litigation.

I shall not mention the other jurisdictions of the court, and the collateral courts and other places of motion, adjustment, and device that grow out of it, or are, in one way or another, dependant upon it; but it may happen that, while your main case is in Chancery, there may be minor points before the Vice-Chancellor and the Master, and also issues before the Courts of Common Law; any how, you very often find that the whole case, upon which an entire fortune and more than half a life have been expended, really resolves itself into the Common Law issue; and that, had you not been barred that Court by some disqualification of mere form, you might have had judgment in a single term, and at comparatively no expense.

Nor is it in what are strictly called equity cases, that the Court of Chancery can put off judgment

almost *ad libitum*. It is the superior Court, and, as such, it can stay proceedings in the Law Courts, and do some other things which you would not look for in a system which the learned Blackstone describes as "the perfection of reason," and which he says has faults, for no other reason than "lest we should be tempted to think it of more than human structure."

In the first place, the law of real property is so complicated, and the style used by conveyancers is so lumbered with words,—the holdings and descents run so counter to what you would think common sense and common justice, that unless the owners of the soil breed "in and in," in a way which would addle the heads of the whole in a few generations, every estate must, in the lapse of some period or other, come into the wardenship of Chancery, or come there as a suitor. I shall not take upon me to say which of these cases is the worst; but any one who compares an estate which is in Chancery with one which is not, will be at no loss to discover that they are both bad enough. This seems, too, to be a case that cannot well be mended, unless both law and Chancery were attacked at once; an attack for which but few men would have the daring, and probably no man the strength.

Secondly, if your antagonist finds that the Com-

mon Law would go against him, he can, if he but find swearing enough, come into Chancery, and suspend the proceedings; and as he is the plaintiff there, he may hang up the case as long as he pleases.

Thirdly, though you have got the better of him at Common Law, he may swear that he is, in equity, in the right; but that he could not establish his case through the want of your evidence and that of sundry other persons, some of whom are at Canton and others at Quito. If he can but swear up to the point, the Court will believe him; he will file his bill of discovery; that will pass; and he will obtain a commission not only to examine evidence at the other end of the earth's diameter, but to make you criminate yourself,—that is, admit that you are in the wrong. In this, too, he is the party to move, and he may do so, now or never, while your action at law lies all the time on the shelf. A full disclosure of Chancery would be one of the greatest books ever written; wherefore I shall leave it, and just notice,

2. The Courts of Law. These are not much better subjects for general description than the Court of Chancery. The irreverence with which the oaths are administered to the witnesses; the squabbles that sometimes take place between the bench and that part of the bar which is rising in spite of it; the clumsy technicalities, and many

other things, inspire one with any thing but the feelings that should be inspired by, and in, a court of justice. Still, as there the feelings and the common sense of men have to be appealed to, as the witness is shown to the jury and the public in person and not on paper, and as there is an air of meaning, a hearing to the end, when a cause once comes on, and no interruptions on account of lunatic lords, broken-down tradesmen, or orphan heiresses, one feels much more interest and satisfaction than in the Court of Chancery. One is refreshed, too, with displays of talent and power, for which there seems to be no scope in Chancery. One has the keenness of Scarlet, the full-swelling tide of Brougham, and those magical bursts in Denman, which if he had sustained and turned to the affairs of nations, he would have had but few rivals. One likes, too, to hear Tenterden untying all the knots that the barristers have entangled, straightening the crooked bits of the evidence, and handing the real matter at issue over to the jury, plain, clear, and manageable. No man could go the length of being delighted with those courts, unless he had just gained what had long seemed a hopeless case; but, in all the part of them that comes broadly before the public, and is connected with the jury, they are bearable in themselves, and very good as contrasted with Chancery.

No thanks to the law for that; for when we come to consider the machinery and the motions of that, we find but little that we can admire. Let us look at the structure and steps of a common case.

In most cases, the writ is the document upon which all the proceedings are founded, and the suing out of that is the first step. In some way or other money is sought by this writ; but it has not the slightest allusion to the merits of the case, or the reason why the money is sought. The Court of King's Bench, nominally can take cognizance of matters only as between the King and a subject; and so the object of the writ is to bring the defendant into court, in order that, by being there, he may be in opposition to the King—a fictitious outlaw. If the plaintiff calls for a specific performance, the writ is a *præcipe*, calling upon the defendant to do what it asks, or show cause why not. If it be for general satisfaction, the attendance of the defendant is not only demanded, but if the demand be more than twenty pounds, whether it be well-founded or not, the defendant is taken prisoner, unless he gives security. This writ issues out of Chancery, and like all other Chancery matters, it is grounded upon swearing; but as I shall have something to say about it in another chapter, I shall say no more here. The serving of the writ, so as to make sure

of the defendant's appearance, or to get judgment in absence against him if he fails, is called the process.

Then comes the pleading, or the form in which the matter is to be brought before the court. This pleading is not any thing about the merits of the case; it is merely putting the counts or allegations of it into the particular jargon of one of ten forms, in which form it must be kept to the last—a case improperly laid or conducted in point of form, being more certain of failure than one which has no foundation in justice. Six of the forms are for wrong or injury done, actively by the defendant: *trespass*, that he did the wrong wilfully and by force; *replevin*, that he took goods by force; *detinue*, that he forcibly keeps some particular thing; *trover*, that he has found property and forcibly keeps it; *case*, that he has done some mischief, but not *vi et armis*, as in trespass; and *ejectment*, that he holds premises, and refuses to quit. These six are grounded upon the defendant's actually doing wrong: the remaining four upon his refusing to do right. These are, *covenant*, something that the defendant should perform; *debt*, something that he should pay; *assumpsit*, a species of implied covenant; and *detinue* again, something that the defendant should give up, without any allegation as

to his having come improperly by it originally, but still being bound to deliver it up.

Into one or other of these ten forms of action, the plaintiff must get a special pleader to put his case; and among them he has ample latitude.

Those who may have the good fortune never to have had any thing to do with these same forms of action, may be amused to see the slang that the special pleader would put into the mouth of Shadrach Schneider, of Old Bond-street, tailor and breeches-maker, in an action of trespass against Frank Fashion, Gentleman. The real cause, you will please to recollect, is, that Frank is indebted to Shadrach in the sum of nine-and-twenty pounds three shillings and one penny three farthings, for having twice encased the body of the said Frank in clothes, fitted by the "rules of trigonometry," as Shadrach sets forth in his circular. Frank has been touched by the magic finger of the bum-bailiff, which has taken all the franchise out of him, until his friends have come in and lent him four legs to stand upon; and in the end he means to "turn Shadrach round," by pleading minority. Meanwhile, however, he keeps that to himself; Shadrach also sinks the tailor, and the complaint runs in this wise:—

"Shadrach Schneider complains of Frank Fash-

ion, being in the custody of the Marshal of the Marshalsea of our Lord the now King, before the King himself, on a plea of trespass. For that the said Frank, on the first day of April, in the year of our Lord one thousand eight hundred and twenty-eight, with force and arms, assaulted the said Shadrach, to wit, in the parish of St. James's in the County of Middlesex, and then and there, with a certain stick, and with his fists, gave and struck the said Shadrach a great many violent blows and strokes on and about his head, face, breast, back, shoulders, arms, legs, and divers other parts of his body; and also, then and there, with great force and violence, shook and pulled about the said Shadrach, and cast and threw the said Shadrach downward upon the ground, and then and there violently kicked the said Shadrach, and gave and struck him a great many other blows and strokes; and also, then and there, with great force and violence, rent, tore, and damaged the clothes and wearing apparel, to wit, one coat, one waistcoat, one pair of breeches, one cravat, one shirt, one pair of stockings, and one hat, of the said Shadrach, of great value, to wit, of the value of fifty pounds, which he, the said Shadrach then and there wore and was clothed with. By means of said several premises he, the said Shadrach was then and there, greatly hurt, bruised

and wounded, and became and was, sick, sore, lame, and disordered, and so remained and continued for a long space of time, to wit, hitherto, during all which time, the said Shadrach thereby suffered and underwent great pain, and was hindered and prevented from performing and transacting his necessary business and affairs, by him during the same time to be performed and transacted; and also, thereby, he, the said Shadrach was forced and obliged to, and did necessarily, pay, lay out, and expend a large sum of money, to wit the sum of fifty pounds, of lawful money of Great Britain, in and about endeavouring to be cured of the bruises, wounds, sickness, soreness, lameness, and disorder aforesaid, occasioned as aforesaid, to wit, in the parish of St. James's aforesaid. And other wrongs to the said Shadrach, then and there did, against the peace of our said Lord the King, and to the damage of the said Shadrach, of five hundred pounds, and therefore he brings his suit."

Such is the Babylonian jargon, with no truth, and very little meaning though true, with which the tailor comes "before the king himself," to get payment of his bill,—part of that "perfection of reason," which needs faults, "lest we should be tempted to think it of more than human structure!" Truly the temptation seems all the other

way—that we should think it less. In any other matter, if a man were to come forward, in grave solemnity with such a story, if he happened to have property worth the suing for, that would be in the keeping of the Lord Chancellor, and himself in a mad-house and strait-jacket, in very brief space. But as the law, proverbially, "does not hang its own thieves," so it seems it does not take cognizance of its own acts of lunacy. So far from it, that every word of this precious document is as immutable as holy writ—it is not to be added to or taken from. If in any one part of the form, the words, "force or violence," or "against the peace of the King," were omitted, no action for trespass would lie; but Shadrach would have to pay all the costs of both sides, and bring his action "on the case," or in some other form.

There is something even more absurd than that: the word "whereas" is, as one would think, one of the most harmless words in the language; and from the frequency of its recurrence in statutes and legal documents, and notices of all sorts, one would think that it is of the same mystic use in law as the unpronounceable word in Masonry, or the "Oom" of the adorers of Vishnu. Yet if it find its way into the second sentence of this declaration, the whole goes for nothing. In most, if not all the other forms, the declara-

tion runs, "For that *whereas;*" but if you say "whereas," in the form of assault, you destroy the whole document. Now if the "for that" and the "whereas" be not synonymous and convertible terms, they come so near to it, that nobody but a special pleader could see the difference.

When the declaration is filed, the defendant must either *plead*, or have judgment against him. Pleading, he may either plead to the action itself, or he may not. If not, he may deny the jurisdiction of the court, the ability of the plaintiff, as that he is an infant, a married woman, or a fat friar, or he may plead clerical errors in the declaration; and any one of these pleas, if established, is good. If these be not attempted, or over-ruled, and he plead to the action, he may give in ten or a dozen pleas, the one half of which, are contradictory of the other, as, he may plead first "that he never owed a sum of money," and secondly, "that he has paid it when due." Nay, he may split the last into three, and plead that he paid the whole of that which he says he never owed, three times over of his own voluntary pleasure—before it was due, when it was due, and after it was due.

To the *plea* of the defendant, the plaintiff may *rejoin*, the defendant may *sur-rejoin*, the plaintiff *rebut*, and the defendant *sur-rebut*. Each of

these proceedings must be worded in conformity with the "form of action;" all of them are, therefore, unintelligible to anybody but lawyers; all of them are expensive; and none of them go to the real merits of the case. In fact the case itself does not appear till all this technical rubbish be got rid of, issue be joined on the specific point, or points, as may be, and the cause set down for hearing before a jury. What then is the use of the jargon? Nothing, that I could ever see, or hear of, but to swell the costs, put fees in the pockets of judges, officers, and attorneys, and find a living for those ingenious hair-splitting persons, called special-pleaders, for whom, but for the fictions and forms of the law, there would not be the smallest use. If the original writ contained the real ground of action, and the declaration the issues to be tried, all the nonsense would be done away with, the case could at once go to a jury, and there would be a great deal of justice and very little law, which is exactly the reverse of what I found in the Babylon.

CHAPTER III.

BABYLONIAN LAW.—γ.

FESTIVAL OF JOHN DOE.

"—— Moloch, horrid king, besmeared with blood
Of human sacrifice." MILTON.

THOUGH the Babylonian law be unfathomable and insatiable as the sea, and though the unfortunate be, at all times, liable to be lost in its abyss; yet, like the sea, it has its ebbings and its flowings, its spring tides and its neaps, its high floods, its equinoctial gales, and all the changes of foam and fury; and, still like the sea, its ragings and restings depend chiefly upon the moon. During the latter part of the summer and the autumnal moons, it is comparatively quiet; but when November weeps in fog, it makes its victim weep in sorrow.

November has long been styled "the gloomy month, in which Englishmen hang and drown themselves;" but though those who have bestowed the appellation have been true to the casualties, they

have not so much as hinted at the cause, though that cause be as plain and palpable as cause can be: it is then that "John Doe," that ogre of mischief, recruited by the slumbers of the long vacation, comes upon the heedless and the unfortunate, strong as an elephant and merciless as a tiger. Of all heroes of romance, this hero of the romance of the Babylonian law is the most singular. Nobody knows his origin; and though he be every where and engaged in all sorts of pursuits, nobody can prove his identity, because nobody can swear to having seen him personally; his birth is remote in the mists of the past, not only before the memory of living man, but anterior to the commencement of regular history; yet though he be thus old, he is as active as ever, and seems to be exempted from disease as well as from death. There is some occasional virtue in him, too; for when any person wholly friendless is in danger of being defrauded of his rights, Doe instantly steps forward in his behalf, and has the matter tried at law; and when any person is brought up for owing money, Doe is always ready to offer security, even although he may have, in the very same case, been openly accused, and ordered to be taken into custody for assisting the debtor in committing a most violent trespass or assault upon the creditor. In neither case, however, can Doe be depended upon;

for in the case of the friendless person, if the law should happen to go against him, he slips out of court without paying a farthing of the costs; and when he gives his security, or becomes bail, as it is called, that security is never of any use whatever to an honest debtor; and if the debtor be dishonest, and hide himself, or run out of the country, then nobody ever heard of a creditor recovering a penny from Doe.

In fact, Doe's sole object seems to be to cater for the lawyers, and this at once accounts for his conduct and the lenity that is shown toward him. Indeed, were it not for Doe, actions for debt, the most numerous and the most profitable for the lawyers, though the least so to every body else, could not be brought at all. The good and great Court of King's Bench, the supreme tribunal of law, in the Babylon, is above taking notice of any such thing as the recovery of a debt; and thus without a little finesse, and the agency of Doe, every creditor in England might go without his money, unless the debt were constituted by a bond, or some other written document worthy of the dignity of the Court. Thus, in order to get hold of the debtor, the creditor comes forward and says, or swears, not that the said debtor owes him a sum of money, which he is unable or unwilling to pay, but that the debtor, accompanied

by Doe, and a host of other persons, all armed in the most formidable manner, have come to his house, or upon his grounds, and there committed the most alarming outrages,—trampling down his corn, pulling up his trees, hamstringing his cattle, and menacing himself, his wife, his family, and his servants, with instant and cruel death. At this the law gets very angry; and, snapping asunder that fine but filmy fiction, by which it is said to look upon every man as innocent whom a jury of his peers has not found guilty, it instantly believes the assertion, and thereupon issues its mandate to the sheriffs to summon the *possè comitatus*, and take the rebels into custody, in order that they may answer for the *trespass* of which they have been guilty. Here one cannot help thinking either that there is some collusion, or that Mr. Doe turns common informer; for the first step of the sheriff is regulated, not by the number of armed men and the extent of damage done, as set forth in the mandate of the court, but by the amount of the debt. If that it be under twenty pounds, or if the debtor have a house to live in, then the Court takes his word that he shall appear; but if the debt be above twenty pounds, or if the debtor have no house to live in, then he is held as being guilty at once, and the mandate charges that he shall be lodged in prison along with other felons

and guilty persons; and if he be once put in prison, in this manner, he may, and must lie there for the whole term of his natural life, unless he happens to have money enough to redeem himself out of this bondage, which, in the case of an honest debtor, a man who does not pay merely because he is unable to pay, is not likely to be the case. If the debtor remain in prison, Doe takes no more notice of him, but follows the same course with as many others as those lawyers for whom he caters may direct or desire. If, on the other hand, the debtor be not ordered to prison by the mandate, or if, being ordered, he do not wish to go there, Doe, and a cousin of his, Roe, come forward and offer their security upon receiving half a crown each, provided that a proper fee is paid to the lawyers. The days upon which this takes place, are accounted days of wonderful solemnity at the Court. They are called days of "*the essoins*," that is, "*the fudges*;" because Doe and Roe are, in common parlance, denominated "*fudge bail*;" and because, in the estimation of reason, and to all intents and purposes, save that of filling the pockets of the lawyers, and greasing the axletrees of the law, the whole proceedings of these days are—*fudge*. Indeed, the same designation is most aptly given to the whole proceedings up to this period, as well as during the time that

Doe and Roe stand security. At the commencement, the mandate contains a falsehood; asserts that which is well known never to have happened; therefore that is *fudge;* and so also is the security to the creditor, while the "*fudge bail*" suffices; for if during this period the debtor shall fly (*fugit*), why then the creditor loses both debt and costs, and nobody is any thing the better for the transaction but the lawyers, unless it be Doe and Roe, and their half crowns seldom do them much good, as they are usually spent in the next ale-house.

Here we can hardly help pausing to notice the different *glosses* which the wise men of the northern and the southern parts of this island put upon the same word "fudge." There is fudge in the Scottish law as well as in the English, but the application of the term in the former country marks that catching caution for which the wily natives of that land of sneaking and saintship are so well known; while, if kind heartedness could be predicated of any thing connected with law, one would say that the English "fudge," more especially that part of it which takes place after a "fudge-day," is characteristic of such kind heartedness as there may be in John Bull. The Scottish law issues a "fudge-warrant," in order to prevent the debtor from, "*fugens*," running; the English, on the other hand, accepts "fudge-bail," in order that "*fugeris*,"

he may run, if he pleases. The time granted for this purpose is seldom very long. In Term-time, when the Court is sitting, it does not exceed a week; and though in the vacation, more especially in the long vacation, which precedes and ushers in the great festival of John Doe, it may be much longer, lawyers generally make it as short as circumstances will admit.

When the period of "fudgation" has expired, the whole fiction of the law,—Doe, Roe, the men mounted and armed with the trampled corn, the hamstrung cattle, the people screaming murder at the sight of the bows and pikes, and all the other things that awakened the vigilance and vengeance of the Court, vanish like a dream,—a thing that had never been; and the debtor finds that he is in a very different situation from what he supposed. If he was ignorant of the trick that they were playing off against him, and what loyal Englishman that loved his country and revered its laws as the very paths of justice and equity, could ever imagine that those laws would countenance an imposition?—if he was ignorant of this, he would be looking forward to the day of trial with that pride and confidence which an honest man feels when he is falsely accused, and looks forward to a triumphant acquittal by a jury of his fellow-subjects in that country which he loves. He naturally

laughs at the mandate of the Court, because he never was in company with Messrs. Doe and Roe, and never in his life committed a trespass or an assault upon any human being. Thus, he is completely thrown off his guard, either as to paying the debt, if it be a legal one, or as to preparing his defence if it be not. All that he prepares himself to prove is, that he never was in company with the persons alleged, and never once thought of committing the part of which the mandate charges him with the perpetration. When, therefore, the real case, which was cloked under this juggle, opens to him, he is not merely like a man near the brink of a precipice,—he is like one who is half-way over, with one set of friends dragging him down, and another securing his hands so as the more certainly to ensure his fall. He discovers that Doe and the trespass have nothing to do with the case; but that he is in custody for a debt which was never mentioned to him in the former part of the proceedings, which, haply, is owing to a man to whom he has given exorbitant prices for a long time, and who, in the hope of an enormous and gambling profit, wheedled him into the debt in question. If the debtor be a man of principle and feeling (and from the way that matters are often conducted in the Babylon, there is a chance that a debtor, if there be *no other charge* against him, is a person of this

description,) the juggle which has been played off disgusts him, and makes him feel a contempt for those laws which condescend to be co-actors in deceit—in *fudge*. But this is not all: for, though the juggle has been confessed and abandoned, he finds that, to him, it is just as costly as if it had been all regular and true. Every act of the farce is charged against him as a new debt; and if the real debt was a small one, it may be doubled, or even tripled, before the party can, by any process of common ingenuity, find out that the action is for a debt at all.

What can be the use of this farce, before the real business of the law commences? To the creditor it does no good; to the debtor who *can* pay, either by compulsion or otherwise, it does evil; if the debtor has just as much as would pay the debt, the costs of the farce sweep it all away; and if the debtor be unable to pay any thing, why then the creditor must both lose his debt and pay the costs of the farce. There is, thus, only one way of accounting for its existence, and however that may have been excused in times of comparative darkness, there can be no plea for it now in these days of comparative and confessed light: the only parties who are at all benefited by it are the lawyers,—and, in the cases where it is most ruinous to the debtor, and most expensive to the creditor, the

low and worthless of the profession. Why not come boldly to the case at once, avow the real object, and take open and direct means for the accomplishment of it? The present procedure is quite in opposition to the character of John Bull; and that he tolerates its existence is equally unaccountable and disgraceful. But the consequences are as immoral, as the practice is absurd. A good man will not resort to it for the recovery of a small debt; and, just in consequence of it, the honesty of a debtor is often undermined, and he is sent first to the Insolvent Court, where, in nine cases out of every ten, his moral sense is destroyed, or at least blunted; then he comes into society again a man of fraud instead of a man of misfortune; and he who was instigated to occasion this, by the interested wheedling of some harpy of the law, who could not be trusted with more honourable business, pays costs for the certain loss of that which, but for this mode of proceeding, he might have recovered.

These strange things make November the month of suicide; and very many of those against whom coroners' juries, in their mercy, return verdicts of "temporary derangement," are persons murdered by the fiction of the law. When Trinity Term closes, and no further writ can be made returnable till after the lapse of three or four months, the

necessitous and the thoughtless fancy that they have before them a *millennium* of repose. In consequence of this they incur expenses, and are guilty of indiscretions, to which they are not subject at any other period of the year. It is the fashion to leave Babylon during this period, and to perform all sorts of whims and gambols, by field and flood. This is not confined to those who, in the strict mercantile sense of the words, "can afford it:" all love pleasure; many are urged by vanity and fashion to "do as their neighbours do;" and thus, bills at home remain unpaid, new ones are incurred, money is borrowed or raised upon fictitious acceptances, business is neglected, and away they whisk, leaving the cares and the prudence of the city, or the suburbs, "to ape their betters" at the fashionable haunts of folly and dissipation. There, while the funds last, they are supremely blessed, and lose in the Lethe of enjoyment, all considerations of their affairs. But Doe follows them like a staunch blood-hound. Unlike blood-hounds of gentler breed he is ubiquious in his tracking; and while the "silly ones" fancy that they are enjoying parties of pleasure, he is recording against them deeds of assault and trespass, in order that he may thereby bring them to his November feast, or send them, by the deed of their own hands, to feast the worms, after he has

procured letters of invitation from those whose slave and minister he is.

Doe is not the only *dog* upon the scent; the hounds of the law—the low bred and mongrel curs, are also upon the slot, and dogged, desperate, and without a yelp, they are nosing out their game. Among honourable lawyers, as among other honourable men, there is no unusual stir at this season. Every honourable man in the Babylon, whatever may be his profession, has his connexion, and contents himself with that, well knowing that it will always be profitable and sure in proportion to his ability and trustworthiness. But there are persons who, by one means or other have got themselves enrolled among the practitioners of the law, who have recourse to means very different. They prowl about. Some of them settle in a suburb or neighbourhood, attend the evening clubs of the tradesmen, worm out of these by flattery, who are in their debt; and having ascertained that, their game is a-foot. They do not run at it at once. They dwell with much pathos upon the hardship to which honest tradesmen are subjected, by fraudulent persons who will not pay their bills; and at this they continue till they convince the tradesmen that they are the best friends they have in the world. After this the particular debtors of the parties are again brought forward; and the conver-

sation closes by an assignation, at which the tradesman is to produce to the lawyer a list of his outstanding debts. A case is now ready for the decision of the man of law, namely in how many of the cases before him shall the tradesman and his customers, jointly, be able to pay the costs; when this is decided, the lawyer "takes his instructions," and the debts can be settled only through him. As a sort of colour of justice, he first sends a letter to the persons owing; the cost of this is small, but the profit is great, as the letters are usually ready printed on brown paper, and do not cost a farthing a piece, though they be charged "six-and-eightpence" to the party receiving them, or the party at whose suit they profess to be sent, as it happens. In the sending of these same letters a good deal of finesse is practised, in order to prevent the parties to whom they are sent from discharging the debts before the commencement of the action, which they intimate is to be "without further notice," can take place. If the parties be from home during the time, all is safe; if they be not from home, then the scouts find out whether they be punctual people or not; if not punctual, the letter is sent, trusting to their carelessness; and if punctual, the putting of it into the post-office is delayed; nay, there are some of the petty receiving houses in the plot; and thus, though the pet-

tifogger's clerk be ready to swear that he posted the letter on the proper day, it is so contrived that the writ follows closely at its heels. In this way a vast number of paltry suits are originated; and it would be a curious inquiry to ascertain how many attorneys of the lowest class are enabled to live in comparative affluence by this means; and also what portion of their living falls upon those by whom they are employed, and what on those whom they harass. It is an inquiry, however, which would be disgusting in the progress, and doubtful in the result. One more easy, and as useful in guiding the Legislature in any attempt to cure the evil, would be to ascertain the number of individuals and families that are annually ruined by this means, without any advantage to those in whose names the proceedings are instituted.

Another means by which much distress is occasioned, without any advantage except to the attorney, and those persons about the Court who get fees on the different stages of the proceedings, is, small bills of exchange and promissory notes, which the acceptors or grantors have not been able to pay, and which are nearly due, under a request that they may be renewed, just due and dishonoured, or overdue and not prescribed by the Statute of Limitations.

Bills of this kind are frequently given by needy

and inconsiderate persons, for a half or third of the value which they express; and sometimes they are fraudulently given by those who hope to take advantage of this circumstance, and who do not know, or do not reflect how the case is altered by their getting into the hands of a third party. Where there is one good name upon the bill, the attorney, or attorney's confederate, who gets possession of it, does not care how many bad ones there may be, because he can recover from the good one with costs as from all the others. Sometimes the attorney has himself money enough for following the trade of a bill-broker in this small way; but more frequently he has a gang of confederates. These buy bills; and if, as has been said, there be one good name among the indorsers, the bill is all the better if the original parties to it are bad. If a bill has lain long over due, and the holder has lost all hopes of payment, he will often part with it for a trifle; and though in this case the buyer could not maintain his action, he can indorse it to another, and the evidence of an undervalue of course fails.

In which of these ways soever the attorney or his confederate gets possession of the bill, he takes his action against the whole of the parties whose names are to it, not excepting a few which he himself may find convenient to add, for the mere purpose of augmenting the costs; and in all the

actions he proceeds until he gets some sort of settlement. The way in which he usually deals with the parties whom he knows are unable to pay, is, after an expense of nine or ten pounds has been incurred upon the action against them, to settle with them by a warrant of attorney, for which he gets two or three pounds in addition to the expense of the suit; and in this way he lets them drop one by one, and then comes upon the solvent party for the whole costs. When indeed, there is a party really solvent, the case seldom proceeds thus far; because that party either pays at an earlier stage of the proceedings, or employs some respectable solicitor, whose scrutiny the pettifogger is unable to abide. But where the parties are all unable, warrants of attorney may be obtained from them all; and half a dozen families may be kept without a chair on which to sit, or a bed on which to repose, from inability to pay one bill of exchange of ten pounds value.

The number of cases of this kind that are brought to the feast of John Doe, at his most formidable *avatar* in November, is more than any reasonable arithmetician can sum up. Prepared as they are by the pettifogging gentry alluded to, there are no means by which the victims can escape. For four weeks of the advent, the tip-

staves are seen flying about in all directions, causing misery and despair wherever they come; and by the time that the day itself arrives, those pest-houses, in which the last shilling is wrung from the sons of misfortune, are crowded in every part. All this happening amid the murky fog and the grim and uncomfortable streets of the Babylon, affords a picture at which the heart sickens, and misanthropy steals upon the gayest in spite of himself. The crowd of defendants at the bail-court, the ugly "fudges" offering their moment of protection, the clamours of the clerks and attorneys for fees, the blank and hopeless visages of those who have been taken, and the savage grins and insolent yellings of the "bums," crowd together a group of circumstances which tempt you to believe that you have escaped out of the confusion of Babel, and, taking the wrong door, got into the thickest torments of a worse place. Nor is the scene or are the circumstances amended if you venture to look into any of the courts, lanes, or public rooms in the vicinity. Nowhere do you find a brow unclouded, a cheek unfurrowed, or an eye unaffected by passion. The chafed creditor, worked into anger by the cunning artifice of the attorney, lest he should be melted at the sight of human misery and let the victim go, and get payment at the sacrifice of fu-

ture fees to the attorney, and storms like a demon; the debtor, with blanched brow, and eyes of lead, pores upon vacuity, in hopes of finding a loophole in a case which is frozen over as the Baltic in the severest winter; or if any thing that you can call hope steals across his countenance, it is not that radiant glow which gives pleasure to all that behold it—it is hope blasted with revenge—the hope of defeating his creditor, by having secured from that just and honourable payment, which, but for these harsh proceedings he would have made, as much as will, by the use of that *habeas corpus*, which should be free as air to all the people of England, pay for "six weeks within the walls," fee an attorney and counsel, and let him once more come into society, with a knowledge of the place where all that he may be able to get credit for in the course of the next five years, may be again washed off;—and just by these, the ferret-eyes of the attorney, each peering from under his dingy brow, like a cat from under an inverted saucepan, taking measure of the capacity of the debtor; and, as that lessens in the glance of the Insolvent Court that the experienced harpy sees stealing upon the debtor's resolutions, most slowly and complacently taking gauge of the creditor's ability to put himself, in as far as the attorney is concerned or cares, into the debtor's place.

Such are the doings that are open to the day,—the garnishings of the festival of John Doe; but there are other matters, upon which, unless they come to light in a report of a Coroner's Inquest, the eye of the public cannot look. Those who can come to the bail-room, and those who can get any one to come to them in the strong and rapacious hold of the preparatory prison, are not utterly wretched and lost,—they have still some means of caring for themselves, as there are still in the dense mass of the Babylon some that care for them, however little. There are many, however, at whose misery not an eye moistens, or the corner of a lip falls down, and in whose behalf not a finger is put in motion. These are taken from their squalid and furnitureless habitations, or from their ample dwelling in the public streets, as an ox is taken to the slaughter, and none heeds or wits the while. To such, a common cell and a felon's allowance would be plenty, and transportation, or even the hulks, Elysium; but those enjoyments are reserved for the thief, the robber, and the murderer, and the simple and *honest* (for, amid so much temptation and facility for stealing, one so poor *must* be honest) debtor, is given over to a more sad and more summary fate. To the licentious man of fashion, and to the fraudulent person in trade, who goes there that he may, in

two months' time stock his shop with goods that nobody can take from him, enter the lock-up-house with jocund steps, accost its grim owner and keepers with looks of familiarity and significant nods, spend their time gaily there, and, when the form allows, take their departure for the great delivery-house in St. George's fields, there to carouse the term of their formal probation in wantonness and waste. But there are others to whom the lock-up-house is a sepulchre, and the keeper the angel of death,—who die there as a matter of course, and about whom there is no farther inquiry than whether the escape that they have been fortunate enough to make from unparalleled woe, has been done by the courage and determination of their own minds, or by any casualty of external circumstances. Yes, there be those who enter these dreary shades, with nothing in the world but one little crust of bread; and, as these are places where charity—true charity of the heart cannot be expected to dwell, and where public charity—that charity which "does its alms, blowing a trumpet before it in the streets," will not visit, they have no alternative when their little crust is eaten, but to lay them down upon the cold earth, their present support, and their to-morrow's brother—to lay them down there and die.

This is no exaggeration, no fiction of an idle

fancy; or if it be of an idle fancy, (idle to remind the public of what they before knew but did not heed,) still it is true. I have the evidence of my own observation, and turn to the newspaper of the morning, which has just been laid upon the table, and I find that it furnishes the exact parallel of the case which I have been attempting to describe. It is not old either, not something which took place under the cruel sway of the Tudors, or the reckless one of the second Charles. No. It happened when the monarch was the pinnacle and the pride of all the kindnesses and the graces of Majesty, when the trumpet was sounding that our armament had won liberty for a distant nation, which had been in slavery for hundreds of years; and when cruelty and oppression in all their forms were fast flitting before the combined powers of civilization and science; it took place on the evening of Sunday the eleventh, or the morning of Monday the twelfth of November, one thousand eight hundred and twenty-seven; and it took place in the very centre of the Babylon.

If the report is accurate, and in such a case there could be no motive for falsification, James Abbot had, only four short months previous to the day alluded to, been carrying on an extensive business as a soap-boiler, had been what is termed a respectable man, had paid his debts, all but the

fatal one in question, as it should seem (for it does not appear that more than one party conduced to his imprisonment). But he had become a defaulter to the Excise, had, in all probability failed to pay the duty upon his manufacture at the time specified; and a writ, with a most singular name, but with fearfully extensive powers, had been sued out against him. "An extent in aid,"—a proceeding which may in some cases be very necessary for the protection of the public revenue, but which, in other cases, may be very ruinous to the individual, without any corresponding advantage to the public, had been sued out against him. This proceeding is an extent of power which does not quadrate very well with the notions that vulgar people have of a free country. There is no proof of the debt adduced to the jury, and there is no notice given to the defendant, that he may plead either wrong in bar of the writ, or poverty in mitigation of the punishment. It is, as they say in the courts of equity, *ex parte,* the one side swears to it in the absence of the other side, and thereupon the writ issues.

Well, an extent in aid issued against James Abbot, he could not, or he did not, (for it must be a rich man that can do that, as the Crown pays no costs,) sue out a writ of error, either in the Court of Exchequer, or before the House of Com-

mons; and so the extent in aid swept off his whole property, and he was cast into prison. What fault there may have been on the part of James Abbot to warrant those proceedings, is not on the record from which I copy, and therefore I am unable to state it. Nor is such a statement necessary, for I am bound to believe, and, in justice to the parties, to state my belief, that every thing had been done strictly according to law, and without the slightest intention to injure James Abbot as an individual.

But James Abbot was cast into prison, and got out thence upon giving the usual bond to put in special bail at the ensuing festival of John Doe. To obtain special sureties for the payment of a bond to the Exchequer, where a *scire facias* can at once issue against the sureties, if the principal fails, is no easy matter; and to one who, like James Abbot, had had his whole property swept away, as a matter of course, impossible. It need not then be wondered at that James Abbot did not find bail; and not having done so, he was again arrested upon (as the report says) the morning of *Sunday* the eleventh of November.

Up to this, all was no doubt legal; and I am so far from questioning the legality of this, that it is wholly on that account that I recite the facts. There needs no disputing the legality: the fault lies *there*.

If James Abbot had been living in luxury, if he had had about him property that could have satisfied the demand of the public, and had been refusing to give up that property for this purpose, then, common sense would have understood the justice of his arrest; and even if he had been possessed of as much as would have paid the officer who arrested him, there might have been something said on the ground of a warning to others.

But did the officer find about James Abbot any symptoms of property concealed, or of capacity to pay? Ah! no. He was found in one of the most humble neighbourhoods in the purlieus of the metropolis, and in one of the most miserable apartments that ever was tenanted by human being in a Christian land, a land whose wealthy inhabitants subscribe to all and every thing—save the relief of genuine and retiring woe. The whole property in that miserable apartment, that great all that was to satisfy a demand of the mighty revenue of the mightiest people upon earth, was, not a concealed bag of gold, no, not even a chest of the plainest wearing apparel—it was, two broken chairs. Not a bed was there for repose, not a rug was there for warmth, two broken chairs were the goods, and one little loaf of bread was all for the Sunday's repast. And from this abode of

desolation and misery was James Abbot taken, in order that he might pay a bond of default to the five and fifty million revenue of England! And he was taken on the Sabbath day,—on that holy day when religion says, that the very beasts shall rest, and man shall devote himself to the worship of his Maker,—on that day which is kept holy in commemoration of the remission of sins to a redeemed world,—on that day when the people of all denominations cast their worldly pursuits and their worldly cares behind them, and encompass the altar of their God; and when, in all likelihood, the very men whose office it was to sue out the writ, in conformity with the letter of the law, joined in the sublime service of the national church. And they would kneel down in solemn reverence before the God of all the earth, and would say, in the fervour of devotion, "Forgive us our trespasses, as we forgive them that trespass against us;" again they would say, "That it may please thee to succour, help and comfort, all that are in necessity;" and again they would say, "That it may please thee to defend and provide for all that are desolate and oppressed;" and yet again they would say, "That it may please thee to show thy pity upon all prisoners and captives;" and when they had done this, they would return with hearts contented and joyful to the comfort

and the happiness, and the fulness, and the luxury of their homes.

That all this was most proper and most praiseworthy, I have not the smallest disposition to question; as little am I disposed to doubt that, in having originated the proceeding that led to the case under consideration, the parties were serving their country—with the same honest zeal, as in the temple of religion they were serving their God. The law is the law; and while it stands unrepealed, those who have the administration of it fail in their duty, if they do not take care to act up to the very letter; for if, in any case, the administration of the law cause useless oppression, the fault is not in the officer who administers, but in the country which enacts.

And yet it might be well, that they who have a voice and a control in these matters, would, when they pour out the fervour of their hearts, in behalf of "those that are in necessity," or "destitute," or "prisoners," to think *who* are in those conditions, and *what* may have brought them there; for though they may have had nothing to do with causing the calamity, that does not take away either their duty or their ability in the curing of it; and had some such known of the taking of James Abbot, and the place, and the circumstances, and the final result, there is no knowing but they *might* have stepped in and prevented the last.

His miserable abode was not one that would tempt the visits of the world, neither would it strike one that any change could darken his woe. But so holy a thing is freedom, that with it, the two broken chairs and the little loaf of bread, are wealth and luxury, compared with the costliest furnishings and the choicest fare in a prison. To part from them was, therefore, an agony of the heart to James Abbot. But even this was not all, for there was a sting behind more barbed and more venomed still. In the sad apartment there was one who would not quit—a loved and a loving one, who parts not but with parting life—a wife of a year's standing—one whom he had vowed above all the world to protect and defend; and who was to protect her when the iron doors had been barred and bolted upon him? And she needed his protection, for the hand of death was upon her; consumption had gnawed her to the bones, and to the aid of that consumption was now to be called in the more dreadful demon of hunger; and of these she was to die, and die alone in her desolate habitation; and the foul vermin were to crawl over her poor remains, until that change which causes high and low, rich and poor, to "stink in the nostril," should tell the passers by, that "in secret one had died there."

In this thought there was something to which anguish could not add. The unfortunate couple

took one farewell look; tore asunder the little loaf of bread; and taking each a crust as provision for life, as earth could sever them no farther, bade God's blessing upon each other, and parted.

As the poor man tottered his way to the prison, an acquaintance gave him sixpence, with the half of which he purchased another loaf; and, stored with that and with threepence, he was hurried to one of those places, where, report says, money alone can purchase civility. The threepence was, in the course of the day, expended in a pint of porter, which the prisoner intimated was his all. The heart of the turnkey seems to have melted at this, for he gave the man a drink of water gratis, and accommodated him with a bed. When he showed him to that, he bade "God bless" him; but upon entering the apartment in the morning, doubtless to bestow something more substantial, the torment of the night's reflection had been unsupportable, and, by the deed of his own hand, the poor prisoner was a corpse. A Coroner's jury sat upon the body; a few shillings were subscribed for the dying widow, and the whole passed off as a natural casualty of the festival of John Doe. Reader! can you reason upon the subject after this? If you *can*, do, for *I* cannot.

CHAPTER IV.

JOHN BULL'S CASTLE.

The rat bored through the castle wall,
And down the castle fell, O;
So strong the wall, the rat so small,
A wonder it was to tell, O.——Old Song.

If one were to pause amid ones attempts at describing the "ways and wonders" of the Babylon, and give one short hour to thought, there is nothing that would call for more painful reflection, or place in a clearer light the genuine spirit of the place than the kind of security which John Bull enjoys in his boasted castle. I speak not of those visitations in defiance of the law, and in contempt of the police, or haply in collusion with those "most senseless and fit men," whom ward, or district, or parochial wisdom, appoints to be warders and judges for the night. So far as these can be seen through the natural and moral darkness and fog in which, by time, temptation, and tendency, they are

involved, they fall to be noticed in another place. There are, however, other visitations to which John is much more frequently and systematically liable, that cause far more misery and suffering, both in the aggregate and the details, than those infractions of the law. Though the amount of the illegal invasions of John's castle be great; though despite the gaol, the treadmill, the hulks, and the gallows, "the worshipful company of robbers and burglars," be as thriving in its numbers and as doctant in its craft, as any other of the minor corporations in the city; though it have its "wardens and commonaltie of the mysterie," well and thoroughly organized; and though it have its laws, and its lawyers, ready to screen and defend the freedom and privileges of its members; yet it falls chiefly upon those who are able to bear it, and it pursues not its victims beyond the individual act.

The legal burglaries, on the other hand, are never practised but upon the necessitous; there is not the shadow of protection against them, and the parties with whom they originate, or by whom they are conducted, pursue their victims to ruin always, and often to death. The common law says, that a man's dwelling shall not be "broken into" by forcing the outer door; but it allows the same to be entered by stealth; and when it has

been so entered upon, any of the local statutes, —statutes which have mostly been obtained upon false showings for corrupt purposes,—the statute silences the common law, and shuts the court of justice against the sufferer.

Those hardships often take place in what may properly be termed the "Parish business" of the Babylon. The imposition and levying of local rates, and the law of landlord and tenant. The assessed taxes upon dwelling-houses, are fixed by the public statute at a certain poundage on the rent; and as it is said never to be the intention of the law of England to harass, distress, or persecute any of the people, unless when guilty of crime—upon this plain principle, that the property of the country must support the state, and should do it equitably —a discretionary lenity is delegated to those who have the conducting of the details. The statute, however, is existent, and may be pleaded; the lenity is a mere understanding, and, as such, has no existence in law; and thus, that which was intended to be equitable and merciful, is turned to a fertile source of injustice and oppression.

This injustice and oppression arises from two sources; the principle of the assessment, and the practice.

First, the principle is not equitable. The rent which a man pays is not a fair criterion of the

property in his possession which the law protects, and therefore it cannot be the foundation of an equitable assessment. It is taxing a man in proportion to the number of his family; in other words, making the tax fall heaviest upon those who are the least able to pay. Nor is this all, for the rent paid for a house is not the measure of the accommodation. A rich man takes a long lease, pays a large premium, and thus gets his house at a half, or third, of what it would be charged to a yearly tenant, especially to one whose ability to pay were in any way doubtful. Such is the fault of the principle; and upon it many instances could be pointed out in which a rich man pays taxes only upon a rental of twenty or thirty pounds a-year, while a poor man living at the next door, and having probably inferior accommodation, is compelled to pay upon a rent of forty, fifty, or sixty pounds.

Secondly. Unequal and oppressive, however, as is the principle upon which this most galling of all species of taxation proceeds, it is equity and justice as contrasted with the practice; for there, in the sum assessed, in the mode of levying it, and in every circumstance connected with it, the benevolent intention of the law vanishes, and that discretionary power which it intended should protect the unfortunate, is perverted from its original purpose, and made an instrument of partiality

in favour of the rich; of oppression and gross injustice to the poor, and (with real loss to the revenue,) of enrichment to a set of the most worthless harpies with which any country was ever cursed. In this again, we have a striking application of the beautiful apologue of the Babylonian image: The "head," which devises the tax, is of pure gold; but the "feet and toes," by which the small fragments of it are trodden out of the poor and the needy, are truly of "iron mixed with miry clay." The commissioners are, of course, "worshipful men;" but their interference in the matter is little else than form; the substance being committed to those under them, the surveyors, assessors, and collectors; and through these there comes a mass of partiality and injustice, greater than would be supposed, by any but those who have, for years, closely and quietly watched the working of a parish or a district.

There is no occasion for imputing absolute and direct bribery to these men, though such do, in many instances, take place; because they may be as effectually and more safely corrupted by other means. They are not independent officers, devoting the whole of their time and attention to the public service, deriving the whole of their emoluments from that service, and being thus independent of those upon whom they impose and

levy the tax. They are common tradesmen, following the ordinary *craft* of money-making, in their respective neighbourhoods, and following it by the usual means. They are creatures of the local aristocracy of wealth, made by that aristocracy for its own ends; and if they serve not these properly, that which made them can cast them down and appoint others in their places. A faithful discharge of their duty to the whole public may be the wish of at least some of them; but they dare not carry that wish into practice, at the hazard of "losing their best customers." Therefore, in very many cases, they are compelled to assess the rate not at what they *should*, but at what they *dare*. Nor is it in the mere assessments upon the premises which they themselves inhabit, that the rich derive an unfair advantage. In most districts, and especially in the suburban ones, many of the houses are the property of those ruling and influential men who have the nomination of the officers; they can thus have their houses entered at any portion of the real rent they please; and if the landlord has influence to reduce and keep the taxes and rates fifteen pounds lower than they should be, a tenant could not scruple to pay ten pounds of additional rent. Twenty houses managed in this way, will produce clear two hundred pounds a year to the landlord;

and thus he will be considerably in pocket though he shall divide fifty in douceurs among the officers. Some landlords may have ten times, or twenty times that number of houses in a district, and thus their influence and their profits may increase to an extent, irresistible by any dependent officer. Thus a very great number of very powerful causes, combine to sap the foundation of John Bull's castle in all cases when that castle is not founded upon the adamantine rock of wealth.

These evils apply to the whole country; but it is in and near the Babylon where their operation is most general and destructive. In great matters, the voice of public opinion is omnipotent in the Babylon; but in small ones, it has no power whatever. A measure which affects a class or a nation, causes every quill to be run up to the feather in ink; and questions, commentaries, and conjectures, blot a thousand reams of paper in a day. Not so with minor acts of oppression; for at the very time when they are writing and dining, and speechifying, and subscribing for the relief of some great public calamity which has happened, or been supposed to happen at the opposite extremity of the earth's diameter, a desolate widow, or some friendless invalid, may have the rug taken from over them, or the pallet of straw from under them, in execution; or may be cast into the street,

diseased and naked, for a few shillings of rent, without any farther notice being taken, than a verdict of "died by the visitation of God," returned by the Coroner and his jury. The private business of every Babylonian necessarily occupies his private attention, and the news of the day which are rained upon him by the public press, find him in so ample materials of conversation, that he has no leisure and no inclination to attend to the cases and fortunes of those about him, any farther than he may happen to be connected with them in business. As long as they are thriving and prosperous, this has its advantages; it prevents scandal and saves a few from being unjustly expelled from society, consequences which sometimes take place in small places, where the characters and conduct of the whole, individually and collectively, supply each individual with the materials of conversation. But the moral oblivion of the Babylon covers the real perpetrator of crime or cruelty, as well as shields the innocent from the shaft of scandal; and when we come to weigh the good against the evil, it is by no means easy to find out which way the balance leans. Contemplating the quantity of this crime and cruelty, which is noticed by the press, one would feel disposed to get rid of it, even at the expense of a considerable portion of scandal and gossip;

and were there any means of getting a full view of the whole, there is little doubt how the judgment of philanthropy would be given.

The Government taxes are not the only or the chief means by which this injustice is done; for though there be the means already stated, as well as other means, whereby the burden is taken off the rich and laid upon the poor; yet there is one point upon which the statute is clear and specific, the rate per pound or per window; and there is always a check,—though with the poor and the ignorant (and they always compose the majority of the sufferers) that check is far from an efficient one,—there is a chance that the injured may complain, and that the voice of their complaint may be heard and answered at some point of the system higher than corruption can dare to lift its head.

When, however, the exaction is of a purely local nature—when it proceeds from parish business, or from some local or personal statute, such as one for repairing the highways, supplying the districts with water, and *q. s.* of feculæ and insects, or the like, the working of the system is perfect and unannealed. Here the very men who can derive the profits of injustice are those at the top of the file; and any appeal to them against the injustice of those whom they employ, is much the same as if a lamb were to appeal from the cub fox to a full-grown

wolf. If it is parish business—poor-rates, church-rates, or any other rates, which the local governors impose, the amount, as well as the apportioning, lies with the parties who, necessarily, have both the disposition and the power to shift the burden off themselves; and therefore to assume that they do not do it, would be to contradict a general principle of human nature, and the only one which is recognized and acted upon by a very large number of the Babylonians. These ruling men in the parishes are generally, nay, almost invariably, men of illiterate and vulgar minds, men who have contrived to "add house to house" in a very questionable way; and who,—as they made the fortunes that give them the influence that they possess, by

"Every art o' legal theivin',"

and have no knowledge or idea beyond or contrary to those arts,—hover about the vestry-room, and brood over the parish, as carrion crows do over their prey. Why the affairs of the parishes, which, all over England, are next in importance to those of the state, and which, in and about the Babylon, are of much more importance even than these, should be left to persons of the description mentioned, is more to be regretted than wondered at. Parish business, either from something in its own nature, or from some prejudice that has been

raised against it, is always looked upon as dirty business; and thus men of enlightened minds do not like to have any thing to do with it: so it gets into the hands of great and small jobbers, who manage it for their own interest; put their own creatures into the parish offices; screen them when they do wrong; expect *gratitude*, at least, for their patronage, and would of course give it up if they did not find it profitable.

If the exaction be in virtue of a private or local act, the chance is that that act will contain some sly and lurking clause by means of which a good deal of partiality may be carried on and protected. Matters have mended a good deal now; but previous to the exposure of some very gross jobbing in the time of the bubbles of 1824 and 1825, and especially of one very gross one on the part of the Solomons of the North, at which the very advocates of ordinary corruption in that land cried "shame," a private bill could in every instance be made a job, and, in a great many instances, was one in reality. The principle upon which a private bill is sought is, *ex facie*, a questionable one; such a bill being an *ex parte* law, sought for in order to take the applicants out of the power of the general law of the country. It is costly too, and therefore no party would apply for it, if it were not to give them an advantage over the pub-

lic which they could not claim at common law or in equity. But, when any principle is bad, it may safely be concluded that the practice founded upon that principle is worse: and up to the period alluded to, this was notoriously the case with private and local acts of Parliament. It would be "within the statute" a gross "breach of *privilege*," as it were, to say that any member in Saint Stephen's could, even in the rude and barbarous times antecedent to the year 1826, be bribed or influenced, because men who not only do the public business without fee or reward, but who voluntarily spend fortunes in order to obtain permission so to do it, must be, at least must be understood to be, the most pure and disinterested men on the face of the earth. It is a fact, however, that, up to the period that has been mentioned, the pure and honourable minds of those generous and disinterested individuals, whenever they had the misfortune to form the majority of "a Committee up-stairs" upon a private bill, were grossly imposed upon and misled by the parties at whose instance the bill was sought, or else their unsuspecting natures were vilely cajoled by the cunning words of the solicitors and agents by whom the drafts of the said bills were prepared. Here, again, the very virtue of the senate was changed into vice: the honourable minds and unsuspect-

ing natures of the committee-members allowed them to be at first the dupes of parties out of the House; and when habit had given this a colour of right, they began to dip their own fingers in the caldron of jobbing, in the bubble year, and got them burnt. This made the other part of the House take some measures for its fatuous members for the future; but the caution came a little too late for the public, who, all over the country, and especially in and near the Babylon, still groan under the effects of those *ex parte* laws.

Such are the means by which power is given to levy secondary taxes upon the Babylonians; and they all afford the most ample proof of want of equity in the apportionment, and consequent oppression and misery in the collection. The men by whom these taxes are apportioned, are all, in common parlance, "respectable" men; the most indeterminate epithet, by the way, in the whole Babylonian vocabulary, unless its value be estimated in money: their operations are carried on in the dark,—at least the majority of those whom they affect, and more especially those upon whom that effect has a chance of being the most disastrous, have neither the knowledge requisite for their investigation, nor leisure for applying it although they had; and in the really distressing part of it, the collection, they do not at all appear. For

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these reasons, complaints, when made, are seldom made to the proper quarter, or against the proper parties; and thus the little redress that might be attainable, is not obtained.

There is a vulgar prejudice against every person to whom the final execution of the law is committed: When the hangman appears in the streets, he is hooted, or in remote places, where the gallows is not so much a matter of course as in the Babylon, he dares not appear in public without a guard; and such is the odium in which the officer who beheads a traitor is held, that he must perform his disgusting office in a mask. That this is a merely animal prejudice is true: it is of the same nature as that which makes a wild beast snap at the weapon with which he is wounded, or a surly peasant kick the stone that has bruised his toes; but still it is a general prejudice; and it is very doubtful whether any class of society can ever become so educated as to get the better of it.

Of this prejudice, the collector of any tax or rate comes in for his full share, in proportion to the real or imaginary hardship that his demand may occasion to the parties. His is, therefore, an ungracious office, an office which only the necessitous, or those who care not much how they stand in the estimation of their neighbours, will be disposed to undertake. In the honest and faithful discharge of the duties of his office, too, the tax-gatherer must do

things which, though perfectly legal, are harsh, and the repetition of these, together with the prejudice that there is against him, cannot fail in having a pernicious influence upon his temper and character. Whatever may be said of disinterestedness, men are in general virtuous for the profits of virtue, and vicious for "the wages of sin;" and thus if, on the one hand, you make the man do the deed which is felt to be cruel, and on the other hand give him the odium of it, you sap the foundation of the man's goodness, and leave him hardly any alternative but to become what he is called. Be his original disposition what it may, be his indulgence great, even to his own actual loss, there still must be cases, and many cases, in which he is complained of; and thus, as he has not the reward of the kindness which he really exercises, he is not to be blamed though he cease to show that kindness itself.

Whether the nature of the offices under consideration has a tendency to attract persons who have not the clearest natural perception of the nice distinctions of right and wrong, or whether the corrupting tendencies above stated may operate upon them, it avails not much to inquire; but even where the matter is supposed to be conducted with perfect fairness, John Bull generally gets the offer of paying an additional rate or two, as often as it suits or pleases him to go out of a former neighbourhood,

or come into a new one; and as these extra demands are usually made, either when John is in the bustle of removing, or before he is firmly seated in his new locality, Babylonian John's habit of attending only to one thing at a time, is very apt to lead him to pay. Any extra sum that may be thus raised is, of course, the prize of the collector; and when a man once tastes "the sweetness of stolen waters," he is but seldom satisfied with a single draught. It is matter of habitual remark, that, however poor an individual may be when he is appointed to one of these collectorships, his wealth thrives apace under it; and in some of the very extensive and populous parishes of the Babylon, there have been instances where a collector of rates has, in the course of a few years, become proprietor of more houses than he had farthings at the commencement. The way in which this was accomplished was by keeping two sets of books, one by which he accounted to the parish, and another, in which he entered the sums which he levied upon the parishioners. The fraud was discovered by a concubine, to whom he had given offence, sending to the parties concerned the wrong—no, the *right* book. The annual discrepancy amounted to some thousands of pounds, and had been effected in various ways. The rates were in some instances charged at less than their real amount; in others, those who had

paid were set down as hopeless defaulters; persons who were still living in the parish were reported as having gone away clandestinely, and being *non inventus* to the most careful inquiry; and houses which had been all the time occupied, were returned as empty, and as such, not liable to be rated.

To those who are not versed in the mysteries of Babylon, this may seem incredible; but it is, nevertheless, literally true; and I know not whether the law as it even now stands could regard the matter as any thing more than a common breach of trust, or that restitution could be had for any thing more than the single year or term, out of many, to which the single book that was discovered applied. As this happened for years, in a very large and populous parish, and by a man who, till the *accidental* discovery, was looked upon as the very best of officers, there is a strong presumption that it is not a solitary instance even of the double book; and a presumption no less strong, that instances in which exactions are made and never accounted for to the revenue or the parish, are far more numerous than even suspicion itself would, upon a first glance at the matter, surmise. These, however, are all entrances, and forcible entrances of John Bull's castle; they do not enter it, indeed, in the same open and alarming way as John Doe, and the spearman and the debtor come upon his ground; but they enter

it with a force far more irresistible at the time, and for the damage done by which John can get no redress afterwards.

The whole of the inroads and hardships to which John is exposed in his castle, if he be there *as a tenant*—the situation in which he is in ninety-nine out of every hundred instances in the Babylon—are yet more numerous and grievous than these; and they cannot be even hinted at without introducing some other parties to the notice of the stranger—to John they need not be introduced, they come of themselves; but still, where he does not appear to have the requisite notice of them.

Equity would seem to demand, that where any two parties should have, at the same place, property which is, as it were, inseparable, they should bear the public charges upon that property, in the compound ratio of the value that belongs and the profit that accrues to each; that, in the case of a house which is rented, the value of the house, and the rent paid for it, should be charged against the landlord, because his is a permanent and tangible property, from which neither the public revenue nor that of the parish could sustain any loss, whereas that of the tenant may be evanescent; and also, because the landlord being presumable to be more permanently allocated, either in himself or his agent, than the tenant, and being besides pre-

sumable to be a more wealthy and influential man, possessing more leisure and more knowledge of the public and local laws, he is more likely to prevent inequality in the assessments, and fraud in the collections. So far, however, is this from being the case, that the landlord is chargeable with no tax, save that for the ground upon which the house stands, and even that may be redeemed. He may be owner of half the parish; derive from it a yearly revenue of a hundred thousand pounds, and yet not pay a farthing to the parish expense.

It may be alleged that the occupant of the house can always be found, but that it might be difficult, in many cases, to find the owner; but the reverse is the case, and there are few instances in which it would be difficult to find the landlord. If the taxes and rates were charged in this way, the apportionment could be made far more equitable, and, as the sums would be much larger, they could be collected at a fraction of the expense, and without any defalcation. Nor is there any reason to apprehend that the landlord would, by this arrangement, get less profit upon his capital; for it would be the same in amount, and far more agreeable in practice for the tenant to pay a half or a third more than his present rent, than to have a weekly visit from the tax-gatherer. But the grand advantages would be, a certain payment upon the real rents or

value of the houses, and, in consequence of that, a considerable diminution of the poundage both to the King and the parish, and not a few of the poor and the unfortunate saved from the workhouse or from worse places.

But the landlord is not merely exempted from taxes and rates; his property appears to have had some peculiar fascination in the opinion of those who framed the law. Just because a house may be more certainly come at than furniture or movables of any description, the wisdom of the law has seen meet not to come against it for rates or taxes; and again, it seems that, just because a house is more difficult to be stolen, run away with, or otherwise appropriated than most other kinds of property, the law in its wisdom has afforded it protection which extends to nothing else. In the case of any other debt, though the creditor may have parted with his property, though he may have lost the profits upon the value of that property for years, and though he may be perfectly aware that the debtor has not only other property more than equal to satisfy the debt, but that he has in his possession, unused, the very article for which the debt was incurred, yet he dares not without an action at law, followed up to final judgment—in the course of which the whole property may vanish—seize, or even attach the value

of one farthing. A landlord, on the other hand, may, without process of law, and in many cases without any intimation of his intention, come, the very moment that his profit becomes due, and strip his tenant to the last rag. Houses, being indispensable accommodations, must always command their fair price in the market; and it will be found that, notwithstanding the enormous supply of new ones (certainly not fewer than four thousand annually in the Babylon on the average of the first five years of George the Fourth), money laid out on them yields as great a return as upon any of the ordinary branches of commerce, and yields it without any of the risk that is always contingent there. In business, the whole, or at least part of the capital, must always be put at hazard; but in the case of houses, nothing is at stake but the profit; whatever protection the law gives to the owners of them, it should therefore give more to every kind of property which the contingencies of trade place in greater jeopardy. But the law reverses this; and upon the good old maxim that "it is safest to help the strong," it leaves that which may really be in peril, and blusters in aid of that which is in no danger, and therefore stands in need of no protection at all. In this way, John Bull's castle becomes, in reality, the castle of John's landlord; and John himself

is a mere serf that may be thrown over the battlements at any time.

The extraordinary power which the law gives to this class of persons, is productive of a vast train of evil consequences, a few of which it may not be improper to mention, inasmuch as, though nobody can be long in the Babylon without seeing them in reality, I have never met with the tale recorded in print.

1. The extraordinary protection which the law affords to landlords, by enabling them without process, without trouble, and without notice, (as under certain circumstances is the case,) to levy an instant distress for their monthly or weekly sums, gives them the means of collecting into the low neighbourhoods of the Babylon, and retaining, for a time at least, bands of characters whose assembling together constitutes one of the chief means of their danger to society, and who, were the landlords compelled to have recourse to the same means for the recovery of their rents, to which ordinary creditors are obliged to have recourse, could not be so collected; but would be dispersed over the country, where their operations could not, from the want of confederacy and concert, prove half so destructive to the public. In many of those abodes of misery and guilt, the landlord is to be found, upon his weekly rent-day, threading the

mazes of his filthy lane, with his book in his hand, his broker at his elbow, and a cart for the removal of the distrained property, following at his heels. If the money be forthcoming, no question is put as to the character of the parties. Like the tribute-money of the Roman Emperor, the rent smells not of its origin; and the landlord cares not a jot how many thieves and prostitutes may be harboured, or how many assaults, robberies, or even murders may be perpetrated upon his premises, so long as he derives from the children of iniquity that revenue which enables him to live "a highly respectable man," in some other part of the Babylon, or keep his carriage, and be "quite a gentleman," in some of the neighbouring villages. When, however, he goes to the source of his gains, he leaves his respectability at his house, or says "good b'ye" to the gentleman at his villa; and you may find him bartering along with a thief at one place, exchanging "black eyes" with a prostitute at another, or seizing broken chairs, or legless tables, or tearing away the ragged blanket, with which a dying infant is covered, at a third.

2. The extraordinary relief which the law gives to the landlord, often affords swindlers the means of plundering honest tradesmen and shopkeepers. Besides the furniture which the parties

may have in the house, the landlord generally makes them pay at entering for certain "fixed" articles which cannot easily be removed; and of which the value may amount, upon the average, to nearly a year's rent. If they pay this, the landlord is safe for a year, although the furniture originally deposited in the house may be of small value; and the scouts of the landlord proclaim the circumstance, and so trumpet the respectability of the party, that they very easily obtain credit, not only for necessaries, but for articles which are never brought to the premises at all, but are instantly sent to the agent of the swindler, and by him turned into money. Twelve months in one place are always enough for an ordinary swindler; and as the landlord has a double security for that time, in the "fixed" articles and the power of distress, he feels quite indifferent to any other conduct in the tenant, than that of not leaving upon the premises as much as shall pay the rent and the costs of the distraining. By these means, there are introduced into every street and neighbourhood of the Babylon, as respectable householders, persons who, if their real characters were known, would be found in lodgings in quite another way. It is thus that the regular dealers in crime obtain permanent residences: and so long as they satisfy

the landlord, the house has to them all the security of a castle, from which a little bribery can easily exclude the lower scouts of justice.

3. But while the protection given to landlords operates thus in gathering together and skreening from justice those who by force or fraud prey upon the community, it is just as great a distress and hardship to those who are overtaken by sudden or unexpected misfortunes. Though many more fortunes are made, and much more wealth is accumulated in the Babylon, than in any other region of ten times the extent, yet life is more a lottery in the Babylon than in any other place whatever; and as it abounds so much in trick, quackery, and imposition of every description, "the battle is not always to the strong" in honest principle, nor "the race to the swift" in honest talent. He who is to-day not only in independence but in affluence, may ere to-morrow be without a shilling and in debt, and that not only by stockjobbing or gaming, but in the regular way of business, and by the failure of those who, at the time when he trusted them, were universally believed to be very wealthy. The ruin occasioned by these reverses is ultimately not so utter as that which is occasioned in provincial places; for if a man has talents which are really useful, and has "held fast his integrity," no reverse of business

can put him finally down. If persecuted in one place, he does not need to "flee to another city," it is quite enough to flee to another street; if he can retain the means of doing this with any semblance of external respectability, he can begin the world anew without any inquisitorial scrutiny into the past. This, though in too many instances it enables detected guilt to renew its depredations, has many advantages, that probably more than compensate that evil: it enables those whom experience has made wiser, to begin the world anew, and it affords a *locus pœnitentiæ* to those who are not hardened in crime.

Here, however, the power of the landlord is a source of perpetual misery; and in the perpetration of that misery, he is aided by a very numerous, and, in every thing but forbearance and good feeling, a very thriving class. These are the different descriptions of "House-Agents," men of many avocations, who let houses, collect rents, levy distresses, appraise the goods so taken, and purchase them, through their confederates, at a small fraction of the value. The greater part of these are in league with each other, and also with the collectors of taxes and rates; and they all lie in a concerted ambush, in order to "make a good thing" of any one who happens to be in arrear. When the goods of a stranger are brought into a

neighbourhood, these persons, or their scouts, are always found hovering about, in quest of articles that may, at some future time, become their prey; and, knowing that, in case of accident, there is no bar to their plundering save money, they take every means of worming out with whom every man is connected; and whenever they find that the law gives them a title, and that the parties are defenceless, in they pounce, sweep away property which really cost ten times the demand, and take especial care that not one farthing shall be returned to those from whom it is taken. True, the law says that "distresses must be proportionate to the thing distrained for;" and that, "if a man take unreasonable distress, as two oxen for twelve pence, he may be heavily fined;" and the law farther limits the expense of small distresses, and ordains that the goods shall be sold by auction and appraised by sworn brokers. All this the law says, and is, no doubt, very sincere in the saying of it; but nowhere are "to say" and "to do," phrases of more different import than in the Babylonian law. One ox may be taken for the twelve pence; or if there be eleven pennyworth of hay, that may be taken first, and then the ox may be taken for the odd penny. In the appraisement, again, the broker is a confederate, and, for all his oath, he must either set such value on the pro-

perty as his employers wish, or he may give up the business. In most cases, indeed, where a man's living depends upon an oath, matters stand much as they are said to have done some time ago in the courts of the sister kingdom—"Och, an' if it's only an oath, tip me the turteen, and swear away, my jewel."

Even the appraisement has nothing to do with the sum at which the confederates shall in the end get the property into their possession. It is only good when the party distressed is able to repurchase within five days; and a distress is seldom levied when there is a chance of that, because, in the case of a small sum, the parties barely get paid for their trouble. If a man be so circumstanced as to be able to pay in five days, he is in a condition to find security, and nobody will take the trouble of distraining his goods. Distress has generally, if not always, the ultimate possession of the goods at an under-value, as its stimulating principle; and though the law says that the sale shall be public, upon notice, there are ways of getting the better of that. Any person who frequents the Auction Mart, in Bartholomew-lane, which is the most public place of sale in the city, must remember instances of the sales there at noon-day, as easy as if they had taken place in a broker's warehouse, with the doors bolted, and at

midnight. I have not often been there, but I once saw property sold, at one o'clock, under an order of the Commissioners of Bankrupts. It had been duly advertized in the Gazette, and yet there was nobody present to take the smallest interest in the matter, save the auctioneer, the attorney under the commission, the assignees, and the purchasers, who got the property at a price which had previously been agreed on, and which certainly was but a small portion of the real value.

Now, if this could be done in a matter which comes under the authority of the highest Court in the Babylon, where the case was one that had been talked of and written about in the newspapers, and when the property really was of a nature and value that might have excited competition, how much more easily may it be presumed to be practicable, and how much more frequently must it be done, in the case of goods distrained from a poor man, whom nobody knows, about whom nobody cares, and whose goods are sold at the rooms of some broker, at the most snug time of the day? In the Babylon, if any thing, whether good or evil, can be done, and must be profitable, it may be laid down as an axiom that that thing is done every day.

Thus the parties by whom the boasted castle of John Bull may be assailed, have a powerful influ-

ence in increasing the number of depredators, shielding them in their depredations, and reducing many to misery, and not a few to crime. Thus, in as far as the relief of the poor is concerned, it is well that the law does relieve them, for they are its own children: it makes them; and in as far as crime and punishment are concerned, the law, in the slang of political economists, "grows its own materials."

CHAPTER V.

FANES OF MAMMON. α.

BABYLONIAN BANKING.

"The love of money is the root of all evil."—T

In matters of religion, the fondest devotees are by no means the ablest theologians; and they who pray the most, are seldom the best informed respecting the nature and attributes of their divinity. This holds in an especial manner with the Babylonians. Mammon is, at all times, and under all circumstances, their idol. Their education in youth, their labours in manhood, and their dotings in old age, all emanate from the love of money, and are reflected back again to that. It cannot be otherwise: the little spot of ground upon which the mighty multitude is congregated, gives them nothing but the earth to stand on and the air to breathe, unless it be the damp and charcoal with which the latter is impregnated; and, as the rustic

commentator inferred from the text of "the wild ass snuffing up the east wind in the desert," they cannot get very fat upon these.

Imagine a kingdom, containing a million of human beings, and the soil nothing but granite, brick-dust and mire; and you have a perfect type of the productiveness of the Great Babylon. Nor are there any riches under the earth, not one mineral worth taking out. At a considerable depth, indeed, there is water, and water of very pure and delightful qualities, which could be drawn up at the mean temperature of the earth, even on those sultry days in the ardour and drought of summer, when the Thames is almost seething hot, and the contributions of its sable tributaries are mantling, reeking, and smelling like the spume of a witches' cauldron. But the Babylonians do not avail themselves even of this single useful production of their locality. They go to market for water; and while they are drudging, and panting, or puffing, or swindling, to raise the money in order to pay for it, they allow a certain portion of their number, by Act of Parliament had and obtained, to convert the stomach of every man, woman, and child, into a gas-manufactory, by turning the tide of the Thames, foul with the contents of five hundred common sewers, rank with the refuse of a whole nation, down their throats. When the Babylonians

visit "the modern Athens," they are apt to turn away their noses, and taunt the inhabitants of that city about the unfavonian breezes which, according as the wind sets, are wafted to the spine of the city from the closes that lead to the grand perfumery of the North Loch on the one hand, or that of the Cowgate on the other; and I must admit that a nose, even of ordinary perception, can nowhere be put to a severer trial. But, after all, I should like some cunning casuist to resolve me whether the pollution of a city be more cleanly and healthful when smelled or when swallowed; and if the verdict be in favour of the latter, why the Babylonians may drink away and boast. It has been pleaded, that there is something highly nutritive in the unctuous waters of the Babylon, and that the ammonia and charcoal of the soot with which the water of the Thames is ever and anon powdered, have wonderful antiseptic effects, and convert into a *pabulum* of life that which, to the unlearned, would seem a deadly poison, and impart the perfume of Arabia to that which, even in idea, seems more offensive than "reek o' the rotten fen." I am not chemist enough to solve this mystery; and though I were, I am not sure that I should waste my chemistry upon it. If the sons and daughters of the Babylon will drink dirty water at a high price, when they might get clean

water at a low one, they must have some reason for it; and whether they have a reason for it or not, it is their own matter, and by the law and the practice of England nobody has a right to interfere. That it is not absolute poison may be inferred from the fact of the Babylonians being alive; and that it is exceedingly favourable to some kinds of life, may be inferred from the activity and friskiness of the insects with which it abounds.

Imagine, as I have said, a whole nation huddled together in one small space, which produces not one farthing's worth for their support, what would be the conclusion *à priori?* why that the folks would either starve or be paupers. But is this the case? So far from it, that they are not only better fed and clothed, aud more sumptuously lodged, appointed, and attended, than the people of the single hamlet or house that stands in the centre of the most fertile plain, or at the mouth of the richest mine in the world; but have the productions of every region of the world, in the greatest abundance, of the choicest quality, and at the most moderate price:—and not only this, in consequence of wealth acquired upon this barren spot, become not merely the owners of many of the lands, mines, manufactories, and other sources of revenue in their own country, and the creditors

and mortgagers of the greater part of the remainder, but hold the east and the west in their coffers,—being arbiters of the fortunes of men from the Gulf of California to the Chinese wall, being the almoners, and therefore the masters, of free states and despotic kings, and saying to the proudest monarchs on the face of the earth, "Ye shall enter into leagues or break them, make peace or declare war, only according as we shall be pleased to furnish you with the means."

A power so unbounded, springing from causes which to common observation are invisible, really wears more the air of the work of a divinity, than the mere plodding and cunning of men; and we need not wonder that the Babylonians should have elevated Mammon to the dignity of a god, that they should invest him with the attributes of divinity, and that, in the main and the majority, they should worship him and none other,—seeing that he has done for them what all the idols of the nations have never been able to accomplish.

To the merely curious, this stupendous result of the combined attention of a multitude of people, and not *chosen* men—men of talents and accomplishments—for, the matter of mammon excepted, there are some of the most wealthy and influential of them all that have not only "less human genius," but absolutely less human form

and expression, "than God gives an ape,"—collated at the same point, and pursuing the same object, cannot fail to be a matter of wonder. But mere wonder to the curious is not all; for herein there is a vein of philosophy as delightful as it is deep. The working of veins of philosophy is not "my vocation;" but really if some of the "men of philosophic make," who while away their time and dribble out their talents at the meetings of the Royal Society, and elsewhere, would but turn to this subject the tithe of that attention which they give to subjects that never can be of the smallest use to the world, they would deserve—the names which they now hold without deserving them. If the combination, or rather the working at the same point and object (for in the acquisition of the wealth there is opposition and rivalship, and not combination), has given, in this instance, power which nothing can resist or control, why should not the same take place in other matters? There is really no mysterious power, no active and operating principle, in money considered in itself. "Money makes money," says the proverb; but the proverb is either a fable or a falsehood. Ten bushels of gold might lie in a chest for a thousand years, without producing a farthing; and though two bank notes, for a thousand pounds each, were kept together as long as you please, not a single one-

pound note would grow out of their union. Money only makes money, in the same way that a goose-quill writes a book,—by being an instrument in the hand of him who knows how to use it; and in the one case, as well as in the other, the instrument is a useless and helpless thing compared with the hand. The instrument can do nothing of itself, not even seek a hand to use it; but if the hand should miss one instrument, it can grope about for another. If a man could not find a goose-quill to write his book with, he might contrive to scrawl it with a reed or a bit of stick—to say nothing of a pair of scissors.

It is, therefore, not the money, the wealth of the Babylon, but the powers by which that wealth has been accumulated and is applied, that is the real and original cause of the mighty influence which the men of the Babylon possess. That power, the spring, the mental part of it, is not of a very high order,—it is common-place—belongs to the herd—anybody may possess a portion of it. It does not need talents, genius, or education of any sort; the maxim upon which it proceeds is very short and very easily understood: "Get whatever you can by any means; and what you once get, keep." That is the whole cause and principle of the matter; and all else is mere arrangement.

Now, if "Dull Care," meaning thereby the care

and prudence that can be exercised by the dullest and most illiterate persons on the face of the earth, can so effectually govern the world, as we find it governed by the mammon of the mighty city; can any cause be shown why talents and abilities should not much more effectually do the same? That they would do so, more rapidly and more effectually, just in proportion to their intrinsic superiority, there cannot be the slightest doubt,—if they could be applied in the same way as this dull quality is. Indeed, it is from the talents that the wealth comes, after all. These are the fountains that supply the water; and the wealthy fools are nothing more than the dams and cesspools in which it is accumulated. Of those who wield the wealth of the Babylon, and use it as the universal sceptre, the majority never increased the wealth of the world, the number of useful things in it, by the worth of a single hobnail; and the poor cotter in the wilds of Connaught, who has but once insinuated one seed potato into the neighbouring bog, has added more to the wealth of the world than Rothschild and all his fraternity.

But the very dulness and stupidity, the want of mental energy and activity in those persons, eminently qualify them for this business of accumulation. The dam that holds water must be a dull, heavy, stationary, and quiescent thing; and the

mind of the accumulator of money must just hold the idea of money, and nothing more. The whole time, the whole soul must be sold and devoted to that; and the instant that any thing of a more elevated or agreeable kind is admitted, off runs the idea of the money to a place which is more low and level.

These considerations may in part explain, not only the influence which men, in their own natures dull, useless, and not unfrequently worthless, have obtained by means of money; but also why the better and more active qualities of men have failed in producing the same effect. Mobility, restlessness, is the quality of all the more intellectual and valuable powers. This renders aggregation difficult, and accumulation next to impossible. The elements upon which knowledge, civilization, freedom, good government, the cultivation of the sciences, the advancement of the arts—all that renders society respectable, and makes man actively happy, are buoyant elements: they ascend; and therefore cannot be collected in dams and cesspools. The effect of those principles is, therefore, much more confined to single efforts than that of money; and those efforts requiring the consent and co-operation of a number of individuals at the same time, are, of course, far more difficult to manage than that which is under the control of one.

By these means the money of the Babylon, and not the talents, becomes the commanding power; and being the commanding power, it is also that which men worship.

But, as I have said, this worship is not always as wise as it is willing. In the act of getting, indeed, every one tries to get as much as ever he can; and in the act of giving, every one tries to give as little; but still there are in the management of the accumulated and unoccupied money, some circumstances which take the profits—and gradually the capital—out of the hands of those who have been the owners, or rather the first collectors, and direct it into channels by which it runs toward those monied men who have been characterised as wholly useless themselves, and who yet, in reality, govern the whole.

Among every other class of persons, the loan of money is accounted worth paying for, and even paying for at so extravagant a rate, that the legislature of England fix a profit, beyond which no lender shall charge, without placing, not merely the profit, but the sum lent, in very certain peril. But among the common bankers of the Babylon, the case is very different: their accepting money is accounted a favour done to the lender. Of that money they always make a profit, and a large pro-

fit: they lend it on mortgages; they gamble with it in joint-stock shares; they gamble with it in the funds; some of them are said to gamble with it in the hells; they discount bills with it; they sometimes lose it. In short, they do with it all possible things that can be done with money, in order to make the possession profitable; and they do many things with it by which it is put in great risk and jeopardy; but they never pay for the use of it. A Babylonian banker is thus not an active agent,—a man who, by accommodating the needy, and laying out the surplus of the opulent profitably for them, keeps up an equality or an activity in the circulation of cash, and thereby stimulates and nourishes all the productive sources of wealth;—he is a mere utensil—a strong-box, that has the faculty of feeding upon the profits of its contents.

When one looks at the splendid office, the numerous array of clerks, and the long file of partners, each of them living in a style and at an expense equal to that of the nobles of the land, and holding the family-plate and other valuables of those nobles under lock and key, so that they are obliged "to dine off delf" whenever the banker pleases;—when one looks at all this, one is apt to imagine that here must be the very pith and core of the mercantile stability and prosperity of the

country, instead of being a mere fungus, a parasitical excrescence, that drains, and drains largely, the life-blood of the tree.

A mere bank of deposit, and that is the general and avowed function of the Babylonian banks, is a useless thing under any circumstances; and there are in the Babylonian banks circumstances which render them worse than useless. The quantity of unoccupied circulating medium that lies in them is always great; and toward the end of the year, when people are anxious to appear wealthy at their bankers (for the banker is father confessor of wealth, and as such repudiates the characters of those who do not allow him to make a profit by their cash), the sum thus deposited is so very great, and people scramble after having it with so much avidity, that, during the last two months of the year, the ordinary circulation is almost suspended. Of this large sum, a part is no doubt applied to the legitimate purposes of trade, in the discounting of bills. This, however, amounts only to a very inconsiderable portion of the whole, and the rest is employed upon the Stock Exchange, and very greatly increases the activity of that grand academy of gambling.

Like other things, a system of banking can be good only where it gives a fair equivalent for what it costs. This the Babylonian system does not do;

for the banks there are merely so many tanks into which the disposable cash of the place is collected, previously to its being poured into the great cess-pool of what is called the money-market, and thence spouted toward all sorts of speculations and jobs, whereby the public, who originally earn the money, are deprived of it, and it gets into the possession of the worthless and unprincipled. Were it not for the adage, "doters are always dupes," it would be very difficult to account for the continuance of a system of this nature among a people whose chief occupation and object is the gaining of money; but when we consider how each individual is completely absorbed by his own individual mode and scheme of acquisition, we can easily see that a knowledge of the general nature and functions of money, or of any thing else, cannot be possessed by those who are so occupied. We never have had a good treatise on the doctrine of chances from a gamester; and when we look into the statute-book we find that the chapters which are the most anomalous, not only from liberality and good government, but from common justice and equity, are those which have emanated from mere lawyers. The more intensely any persons are occupied about a part, and the more intimately they are acquainted with it, the less they know about the whole of which it forms a part. Thus the par-

tiality of the Babylonians for their system of banking may arise, not from their being convinced that it is good, but from their being unable to discover that it is bad.

It is commonly said that the Bank of England is the sole cause of the perpetuation of the expensive and unprofitable system of banking that prevails in the city; and, though it is not the sole cause, it is no doubt a considerable one; for an establishment of such magnitude, so connected with and protected by the Government, having privileges so exclusive, and some of them so contrary to the natural principles of commercial liberty, cannot but do mischief. In defence of the Bank, it is argued that the notes which it issues have a security which could not belong to the notes of private bankers; and from its connexion with the Government this security may be conceded to it, at least in so far as its *individual creditors*, that is, the holders of its notes, are concerned. This, however, is not the only security which the public should have for a paper currency; and even this belongs not intrinsically to the Bank of England.

The securities which the individual holder of a bank note should have are two,—that it shall not be forged, and that he shall, whenever he is so inclined, be able to part with it without any loss.

The only talisman which the Bank of England has against forgery is the gallows: that is no sufficient prevention of any crime; and as the Bank of England note is understood to circulate to a greater distance than that of a local bank, the facilities for forging it are greater, or rather, which comes to the very same thing in effect, the means of detecting the forgery are less. For this very reason, Bank of England notes are not liked in the remote parts of the country. Thus against the opinion that the note of the Bank is more secure from forgery, we have both the reason of the thing itself, and the opinion of that part of the people who are the most interested in the matter—those who have not the means of ascertaining from the Bank itself whether the note be genuine or not.

As to the greater certainty of payment, that can have no meaning other than more ability to pay; and really one is puzzled to see where this should come from in the case of the Bank of England. The average of its circulation for the last ten years, may be taken at about twenty-five millions sterling. Now, where are the funds out of which this vast sum, if demanded, could be paid? Are they gold and silver in the coffers of the Bank? No; for if such a sum were locked up there, the loss on it would consume the whole

of the returns, and leave the Bank every year *minus* the whole expense of management. Where then are the funds? Are they the lands and goods of the proprietors, those lands that they have purchased with the profits which this great leech has sucked out of the public? No; these are available for no such purpose. The fact is, that the capital or stock of the Bank of England is precisely of the same value, as far as it goes, as the three per cent. stock, or any other of what are called *the funds*—a mere nonentity. The Bank of England has not a shilling of available capital; and when it pays its notes in gold, it must first buy that gold with another parcel of its notes. As to funds in its own possession, available immediately for the payment of its issues of paper, the Bank of England is, therefore, in a worse condition than the poorest country bank in the kingdom.

Still, paradoxical as that may seem, its payments are more secure, that is, it is less likely to be upset by a run upon it, than any other bank in the country. And why? It has, from time to time, lent the Government rather more than twenty millions sterling; and as this is not a sum which the Government is in a condition to pay, whenever there is likely to be a run on the Bank, the Government, for its own safety, steps in, and

by the *fiat* of an act of the legislature, suspends cash payments, and declares the Bank note a legal tender of precisely the same value as that portion of the coin of the realm of which it expresses the nominal amount. The security of the Bank of England consists not in its wealth, but in its poverty:—in fact, the whole of its *undivided* capital—that part of its profits from the management and use of the public money, which has not already been divided among the shareholders—is —a *bad debt*, a debt which the Government have no other means of discharging than by laying on a tax of twenty millions, or adding twenty millions to the other part of the national debt, and laying on a tax to pay the interest and charges of management.

At first sight, it would seem a little mysterious, that an establishment carried on at great expense, paying yearly dividends, and yet having no capital, should be able to lend such a sum as twenty millions of pounds. It must be borne in mind, however, that the sum which it actually lent was only one million and a fifth; and that it paid all the rest, together with its own profits and expenses of management, out of the public revenue of the country—out of the pockets of the people. The Bank has made its profits by being the deposit bank to the Government, and not only having

large sums of the public money in its possession, by the employment of which, in the same way as the money of individuals is employed by the private bankers of the Babylon, it contrived to make five per cent., but being paid for its management besides. Every shilling that the Bank of England has therefore accumulated, every pound that has been paid to the proprietors, and every million for which it claims to be the creditor of the state, have been abstracted from the active and useful capital of the country; and hence have made the whole country poorer than it would have been, not only by their full amount, but by the profits on them, at that rapid rate of compound interest, at which property has, during the intermediate period, been accumulating; and those who have had the management of the public revenue have colluded with the Bank, and suffered it to do this, either because they have been incapable of doing their duty, or dishonest in the discharge of it, or both.

The Bank of England, therefore, has no real security to give either to its immediate creditors or to the country. It is a mere fungus—"*proud flesh*," (as the old surgeons admirably designate it,) growing out of an ill-conditioned and ill-attended sore; and it remains only because the vessels of the circulation have struck and ramified into it;

and the *hemorrhage* consequent upon its eradication might be attended with great danger. To follow the surgical allusion, the best way would be to pass a ligature round its base, and by drawing that tighter and tighter, lessen the circulation, till it could be cut off with safety.

But though the Bank of England note were secure against forgery, which it is not, and secure against being thrown out of circulation from the want of funds to pay it, which it is, in consequence of the shock which the upsetting of it would give, not to the Government only, but to the whole trade of the country,—still, these are not all the securities which a good bank-note ought to possess. Besides the security to individuals, there is another, and a more important one, security to the public—security that the whole value of the paper currency shall not fluctuate; and the want of this is the Charybdis upon which the people of this country are always thrown, when the steersman "puts the helm *hard up*," by a suspension of cash payments, in order to avoid the Scylla of upsetting the Bank. The senate may enact that a sovereign and a one-pound Bank of England note are things of identical and interchangeable value, and so they may that the expending of a second sum of money upon courts and lawyers in an unsuccessful attempt to recover

a first, is justice; and they may punish the subject of the King of England who refuses to believe them. But the voice of senates, however loud, or however imperative or absurd, cannot in one jot alter the qualities of things, or their adaptation to practical purposes. They have no more power over these than old Canute the Dane had over the flowing of the tide. Indeed, the very necessity of a law declaring that paper and gold are to be held as equal, is in itself an admission of their inequality. It needs no law to say that one sovereign is equal to another; nor does it need any to declare the same thing of the sovereign and the bank-note, when the one can be anywhere obtained for the other. Thus the injustice of the law stands as its own rubric, and a statute founded on manifest injustice must always be productive of mischief.

The moment that such a law is promulgated, the value of the circulating medium would be deteriorated, even though the country had no connexion with foreigners; the metallic currency would get out of circulation by being hoarded and by becoming of more value as an ordinary article of commerce than as money; and these causes together could not fail to produce a depreciation in the value of the whole circulating medium, and

a consequent derangement in all the contracts, bargains, and business of society.

But, if the effects would be mischievous in a detached country, living upon its own produce, and having no connexion or transactions with other countries, they must be much more so to a country like England, which is so dependent on the rest of the world, both for the supply of raw materials and the market of its manufactures. There would be no means of compelling the people of those other countries to acknowledge the equality of the gold and the paper in their transactions. The gold being still their standard, they would give a premium for it as compared with the paper; and thus the paper would be depreciated in value—purchase a less quantity of goods in the general market, by the full amount of the premium. In the year 1810, when such a law was in force, the one-pound note of the Bank of England was worth only about sixteen shillings: thus the operation of the Bank swept away a full fifth of all that the people could obtain for their money,—and swept it across the sea for the benefit of other nations.

Comparing the Bank of England with the other banking establishments of the Babylon, the only superiority that can be conceded to it, is,

that it consumes, at all times, more of the earnings of the industrious; and that, when it gets into a state of derangement, it produces a much more extended and ruinous species of mischief. It is not, as some suppose, in the mere exportation of the precious metals—the gold and the silver, that the evil consists; for there are many circumstances in which it is more profitable to pay in gold than in any other commodity; and if we were placed exactly on a par with foreigners in other matters, it would always be most advantageous for us to pay in gold when they sought after that metal with the greatest avidity, for this plain reason, that at such times we can get a better price for it than for any other commodity. If we retain gold, whether in bullion or in coin, when, in a perfectly fair and equitable state of the general market, gold is more in demand than any other commodity, we act in direct opposition to the general principle of commerce, and hurt ourselves by so doing. Even the common sense or instinct of men makes them act in this manner. When wheat is in great demand, and the other kinds of grain heavy and unsaleable, the farmer does not hoard up his wheat, and thresh out his barley, beans, and oats, and hurry them to market. He sells the wheat, and "waits the turn of the market" for the rest.

The grand evil is, that the money or medium in which the people must deal with foreigners, is of greater value than that which, by law, is made to circulate at home; and that thus, in every transaction with foreigners, they gain, and this country loses the difference.

It would be well if even this were the whole amount of the evil; but it is not, for those who are in possession of the articles of human subsistence, and those who have no means of obtaining their portion of these but the wages of their daily labour, stand, both with respect to each other and to the welfare and prosperity of the country, very much in the same relation as foreigners and natives. Those classes are what are usually termed the rich and the poor,—classes whose natures, functions, and relations to each other, and to the improvements of the country—that is, the increase of useful commodities in it—do not appear to be very well understood, even by the wisest writers on political economy. It is not indeed impossible, that this want of understanding, or at least of making others understand the subject, may arise from the very profundity of the philosophers. "Truth is in a well," says the proverb. Therefore, boring for truth may very properly be compared to boring for a well; an operation which fails if you bore too deep,

just as certainly as if you do not bore deep enough. In the last way, you do not get at the stratum which contains the water; in the first, you perforate that which holds it, and it runs into the sand below and is lost. This is by far the more fatal error of the two: if you have not gone deep enough, an abler man may go deeper, and succeed; but if you have gone too deep, the thing is spoiled. It is just the same in philosophy—especially the philosophy of society: the truth has been let out of the greater part of it, by too deep boring. Aware of this, I never philosophise; and thus, if I discover no truth, I destroy none.

The rich are, properly speaking, the people who possess the commodities already produced and fit for the market; and the poor are those who, before they can eat, drink, or otherwise enjoy, must produce something that is useful. As respects the increase of wealth in the country, the former class are wholly unproductive; and every addition, whatever it may be, must come from the latter. Any thing therefore that throws a burden upon them, damps their spirits, or destroys their energy, must very seriously affect the public prosperity. Even when they labour under no legal disadvantage, the producers of wealth are never so advantageously situated as the holders. The mind

of the holder has nothing to distract it from considering how he may turn that which he holds to the greatest advantage; while that of the producer is occupied about the mode and means of production, and cannot devote much attention to the art of exchange. The poor, therefore, always go to market at a disadvantage, whether it be to sell their labour for wages, or to lay out their wages in the purchase of necessaries. Another thing: they are, in both cases, driven to market by their necessities—they must have what they want, or starve; whereas the holders of commodities are merely drawn to market by their interest, and can afford to hold until that be satisfied.

These disadvantages, under which the portion of society that, in a natural point of view, is really the most valuable, are placed, ought to make their protection the chief care of a wise legislature. But it does not appear that such a legislature can exist. I do not mean to say that all who legislate and rule are fools. Very far from it; for many of them are Solons—in their way. But they all belong to the possessing class, and therefore all their knowledge and prejudices are bent in favour of it; and, when one looks into the statute-book of any country, one finds it to contain little else than a series of concessions to property, at the expense of

that by which alone property has been, or can be, produced.

In no case is this more obvious than in that of the suspension of cash payments by the Bank, and the consequent depreciation of the circulating medium. If that be lowered one fifth, the whole property holden by the rich is raised in the same proportion, as measured against the poor. But the poor are "*in double*," before they can get food and clothing; they must sell their labour for the depreciated currency, and with that currency they must purchase their necessaries: each time there is twenty per cent. against them,—that is, when, in consequence of the suspension of cash payments, the one-pound note is reduced to sixteen shillings in the general circulation, the labour which, when the currency is at par, can command food or clothing worth twenty shillings, can only command the worth of about twelve and ninepence,—or, one hundred labourers can obtain only as much as, but for the suspension of cash payments, would have been parted among sixty.

Famines, pestilences, earthquakes, all the convulsions of nature, are looked upon as things of most appalling destruction. Journalists and annalists make a harvest of them, and poets put their verses in mourning by tagging them at the end; and yet this same suspension of cash payments

caused not only more enduring loss to England, but more loss at the time, than if all the parliamentary boroughs in Cornwall had been buried by an earthquake, or than—with lamentation and woe be it spoken—than if the chapel of the Holy Stephen, with all that were therein contained, had, for the time being, been full five fathoms under the Thames. Such is the mercy which the Bank of England has already inflicted upon the country; and if it be allowed to remain in its present state and connexion, such mercy it may, and, judging of the future from the past, must inflict again.

I have said nothing of the constant fluctuations of prices, which, by varying its issues, the Bank can produce for its own profit, and the consequent loss of the country; but these are very considerable, and as the Bank gives both opinion and law to the private bankers, the power of the money market, and consequently that of all the commerce of the country, gets into the hands of those who are ignorant of its nature, and opposed to its welfare in their interests.

One, ignorant of the confusion of the Babylon, could hardly be more astonied—laugh or cry more, according as he were not, or were, interested—at finding the spiritual guides of the people, the learned and pious and saintly capitals of England's church, debating upon corn-bills or acts for regulat-

ing the impost upon gin and tobacco, than he would at finding the balance of commerce committed to the bankers,—a set of men whose occupation must narrow both their ideas and their sentiments; and who, in reality, have no knowledge beyond receipts and payments and securities, and no means of amassing wealth, or even of living, but what they abstract from the useful capital of the Babylon. The fact, though strange, is certain. Let the Babylonians themselves point out the cause.

After all, there are many advantages in a paper currency, if that could be obtained with all the requisite securities: It substitutes a cheap article for a costly one; a portable one for one that is heavy; one that may be lost or stolen without any farther ultimate loss than its intrinsic value as a commodity, which is very small—a bank-note for any amount, being manufacturable for about a penny; and though it be perhaps more easily counterfeited than metallic currency (and this is doubtful), the difference is only one in degree, and is more than compensated by the advantages.

How a paper circulation of this kind, with the proper security as to payment and uniformity of value, with its amount always regulated by the public, and not by the issuers, could be established in a population so dense, and of which the different

individuals are so little acquainted with each other as in the Babylon, it is no easy matter to say; and therefore I shall not attempt to say it. But the paper issued by the Scotch banks, and the whole system of banking in that country, are so much more advantageous than those that prevail in the Babylon, that they are worth a few sentences.

The proprietors, or shareholders, in a Scotch bank, are usually very numerous, and the whole of their property, real and personal, can be made available for the payment of the notes. The influence of the bank is confined to its own town or district; and though there have been instances of banks being very inquisitorial and oppressive there, yet the influence of no one bank can extend so as to have any material effect upon the general circulation of the country. One part of the profit of the bank, of course, arises from the circulation of its notes; and as these are always payable at sight, they cannot travel far out of its own district, because, if they did, the bank of the next district would get hold of them, and demand payment. By this means the issue of each bank is regulated, not by its own caprice, but by the wants of its locality; and the quantity of paper in circulation is always regulated by the demand there is for it. This may not give perfect security in any of the

ways in which the public should be secured; but we have the best of experience that it is a good approximation. Very few Scotch banks have failed with loss to the holders of their notes, and those that have, have been rather constructed upon the English principle,—few partners, and the whole property of these either not known or not liable, in consequence of some specialty in the deed of partnership. Runs upon Scotch banks have not been so frequent as upon the private banks in England, whether mere banks of deposit, like those of the Babylon, or banks also issuing notes like those in the country; and it does not appear that the Scotch banks have had any tendency to depreciate the circulation within that country. It is true, that when cash payments have been suspended at the Bank of England, the Scotch bank-notes have been depreciated, as compared with metallic currency; but they have been so only to the same extent as the Bank of England note, and therefore the cause of the depreciation must have been the English note, and not the Scotch one. If the latter had any tendency to be depreciated, it would be at a discount as compared with the former, and there never was a time when an English note was, in Scotland, preferred to a Scotch one, either when the English pound note was worth twenty shillings, or when it was worth less.

It is true that, in London, Scotch notes pass only at a discount, but that arises from the people being ignorant of them, the distance of the place where they are payable, and the Bank's not taking them in exchange. If the Scotch banks did not take Bank of England notes, they would pass at a discount in Scotland; and though the banks do take them, there are many places in which they either pass at a discount, or not at all.

The advantages of the Scotch banks are not confined to the security and uniform value of the notes which they issue; they are more liberal to the public, and afford more accommodation to the business of the country.

They do this in two ways. First, they pay interest upon all sums deposited with them, less, indeed, than what they charge upon discounts, but always more than the half, and in some instances as much as four-fifths; and they are enabled to do this, because they make their advances in their own notes. Secondly, they advance money upon "cash accounts," — that is, upon a permanent bond, with security, by which the stamps and all the other inconveniences of particular bills for the loans are avoided. Thus the merchants of a town, or the farmers of a district, are enabled to employ in their respective businesses more capital than they actually have floating, by being mutually se-

curity for each other. For instance, a man wishing to begin or extend business, applies to the bank for a permanent power of drawing on them to any amount not exceeding a certain sum—say a thousand pounds,—goes to the bank, and explains his circumstances and tenders his sureties; and, if these be found satisfactory, he may instantly have the command of money to the amount agreed on. When he needs money, he draws for it; and when he receives money, he pays it in; and he may farther discount the bills that he takes, or leave them at the bank, to be put to his credit when paid. The rate of interest which the bank charges, is charged to his debit upon all sums that he draws; and the rate which the bank allows is placed to his credit upon all sums that he pays in. A balance is struck once a year; the difference between the whole debit and the whole credit, shows how matters stand between him and the bank, and shows the balance which he is due the bank, or the bank is due him, as the first item of the next year's account; and the difference between the interest on the debit and the credit, shows him how much his loans have cost him, or how much he has gained upon his deposits. Thus, the Scotch banker, instead of taking all the profit to himself, shares it with those who employ him; and instead of confining his transactions to making a profit of

the mere keeping of the money of the rich, he puts capital, with safety, into the hands of those who have it not; and thus the customers of a Scotch banker have greater inducements to stand by him if there should be a run, than those of the bankers of the Babylon. Though this system be far more liberal and accommodating to the public, it does not appear to be less profitable to the bank. The private bankers of the Babylon are not very fond either of disclosing the amount of their profits, or the means by which they are made; but the Bank of England declares its dividends, and these are not so high as those of some of the Scotch banks.

But the benefits in a merely pecuniary point of view are not all: it does not require much consideration to discover that there is a moral advantage in the system,—something which not only gives accommodation to the people, but which stimulates them to do well. A poor man, however honest and however skilful, cannot turn his virtue and his talents to account, in the Babylon, in any other way than by selling them to a man who is rich, or having recourse to dishonesty, either in the way of direct theft, or in the more corrupting (because more general) way of quackery; and, as no man will purchase even honesty and talents without the certainty, or at all events the probability of making a profit of them, though a poor man

of talents can turn them to some account in the Babylon, there are difficulties in the way of his honestly getting full value for them,—he must always concede a share, and often by far the greatest share, to some man who is wealthier than himself, and who augments his wealth by sucking the brains of others.

Now, though the circumstances of the country where the Scotch banks are placed must narrow the sale of useful qualities, yet the system of the banks gives more facility for their self-employment; and thus, in every pursuit, there is, in proportion to the numbers and wealth of the population, a much greater proportion of competition in all the departments of business. The ardour of the young Babylonian is either not excited, or it is soon damped, and he sits down contented with his clerkship and his animal enjoyments: that of the young Caledonian is kept up, by his always looking forward to the time when he shall be a master.

CHAPTER VI.

FANES OF MAMMON.—6.

THE STOCK EXCHANGE.

"Let the Devil, upon the roof,
If the Devil be thunder-proof,
With a poker fiery red,
Crack the stones and melt the lead,
And drive them down on every skull,
When the den of thieves is full."——SWIFT.

Of all the fanes which the devotees to that sordid but seductive idol have raised for his worship within the wide extent of the Babylon,—a locality of which he is, more than any other idol of man's making, the chosen and appropriate divinity,—there is none in which his rites are performed more incessantly, or followed with agony more deep and desperate, than the Stock Exchange; and there is none where the public generally are kept in greater ignorance of the deeds that are done, and the mischief and ruin that follow. The other

hells, even the deepest of them, may be entered by any one who the inmates are certified is not an informer; and not only this, but those who have money to lose are invited to them, and, though they pay dear for it, have their share of the refreshments and the play. At the Stock Exchange it is different, and those who, not being of the initiated, would gamble there, must do it by proxy; and if a stranger presumes to enter, even with a disposition to risk, and, by necessary consequence, to lose his money, he is treated with more brutal indignity than he would be in the darkest and dirtiest alley of St. Giles's. The coarsest epithets are bestowed upon him; the Jews there, as if to take vengeance for the iniquity of which Shylock complains,

"Spit upon his gaberdine;"

his hat is knocked off, and converted into a football; his clothes are torn from his back; and, according to the reports at the police offices, he is robbed.

And for all this the Stock Exchange is a gaming-house; a gaming-house under a cloak indeed, but still a gaming-house, which supports more people in idleness and profligacy than all the other gaming-houses in England. As a gaming-house, it can produce nothing, save what is obtained from

those who are not members of it. The estimate is below the truth, but say that there are upon the average one thousand members, and that each of these (which is below the truth again) manages, in one way or other, to spend or hoard—but generally to spend—a thousand pounds a-year, here is *one* million sterling annually taken from the revenue, the wages, and profits of the people of England, in order to support a band, not only of the most useless, but, generally speaking, of the most worthless characters that can well be imagined. It avails nothing to say, that, as the public are not admitted, the members can lose only to one another, and so the Stock Exchange must support itself; for in itself, a gaming-house, or any house for the mere exchange of money, is utterly barren and unprofitable. With regard to those who haunt the Stock Exchange, most likely the whole fee simple of themselves and all they possess is not, upon the average, worth a year's purchase: that is, a year's expenses of them and their establishment; therefore they are as much supported by the public as if they got their money in alms, or robbed for it upon the highway.

Why the public are not admitted into the *penetralia* of this temple of iniquity is easily seen, for two reasons: First, the jobbing is illegal, and if the public were invited, or even permitted, openly

and freely to enter and lose their money, the laws could not well pass it over, even presuming (as from the fact of their non-interference it is difficult to avoid presuming) that those who had the administration of the laws had the wish; whereas, by its being a private club or society, rented by its own members, regulated by its own by-laws, and ostensibly confining its operation to its own members, that enactment which makes an Englishman's house his castle of protection when he offends, though not always when he is offended against, comes over it like a shield. The second reason is, that if the public were admitted into it, the iniquity could not be carried on, and the place would come to an end. No man who was in the habit of seeing the proceedings would hazard one shilling upon a time bargain; and thus the whole dishonest gains of the members would be gone, the whole transactions in the funds would be reduced to real buying and selling, operations which could be better carried on at the chambers of the brokers. Openness would be attended with another consequence fatal to the place. The broker who acts with other people's money would be obliged to act *bonâ fide*, whereas, under the close system, he can be the pretended and ostensible agent of those without, while he is the real agent of those to whom he himself is the means of making those who employ and pay him

for his pretended services, lose their money; and the party whom he serves in secret may engage to make good the loss upon that small transaction of his own, under which he contrives to cover the fraud. Suppose the difference at settling day amounts to five thousand pounds (and there are single cases in which it may amount to more than fifty thousand), and that the person employed has five hundred to settle for himself, and as many single hundreds for persons not members, as will make up the four thousand five hundred, it is very easy for the parties gaining the whole to hand him back his five hundred privately, with a *bonus*, and also for him to appease the dupes, and get them again to employ him, by showing upon the face of his books, to which his clerk is always ready to swear, that he is five times greater a loser than any of them. Of course this practice would be denied by all connected with the transaction; but there are cases in which the forwardness and force of the denial are no unconclusive proofs of the fact denied, and there is more than common hypothesis for concluding that this is the case here.

Still it may be asked, or at least wondered at, why the law takes no cognizance of these transactions. There are many reasons: In the first place, the sums lost are not recoverable by law,

and thus no appeal is made to the law; and the parties without pay—upon that principle which (whether wisely or not I shall not say) describes a gaming debt as a debt of honour—something which ought to be paid, though those creditors of the party who have given him full value for the amount of their claims, should never get a single shilling. Secondly, where the broker has been acting as a decoy for those who have gained the money, if there should be any out-door defaulters, he does not press them, because if he did he would expose the system without reaping any advantage. Thirdly, when the broker has been acting on his own account,—and both inexperience and cupidity (at seeing the great profits which others have made through his previous transactions) may tempt him to do this to ten or even a hundred times the value of what he possesses,—then, in the case of default he is instantly expelled their door, and rendered incapable of gaining even a commission for his agency in the frauds ever after. In cases of this kind, the members of the Exchange have no right to complain, for they lose nothing, inasmuch as they have given no equivalent for the money they would have received if the defaulter had been able to pay. But, when such a case occurs, there is usually a good deal of loss out of doors; for the previously reputed wealth of the

party, which is magnified by those very accounts of his skill and success in jobbing by which he attempts to obtain the agency and confidence of others, enable him to obtain credit to a large amount; and thus it frequently happens that a defaulter upon the Stock Exchange sends a dozen of tradesmen to the Gazette as bankrupts, and turns that number of clerks and other inexperienced young men to the commissioners as insolvents. The number of those who have their prospects blasted, their morals destroyed, and their characters tainted, so as that they are quite reckless of what they do afterward, is much greater than any one who has not long and attentively studied and examined the subject could be made to believe. Indeed, the subject is one of which no attention can know all the particulars, and no study can fully understand the results. Even the members themselves, though they know the nature of their own transactions full well, live in such suspicion of each other, that no one can tell what is done by another farther than any particular case where they may find it for their mutual interest to hunt in packs; and even when they do this, such is the spirit generated by the system, that each inwardly curses the others on account of the share that they have in the spoil.

A fourth reason which may produce a tender-

ness toward the enormities of the Stock Exchange, may arise from the hold which the master-spirits —who, though they do not appear personally in the den, yet have their emissaries there, influence all its movements, and pocket the greater share of the profits,—have upon the Corinthian pillars which are supposed equally to support and adorn society. Those who have looked at the fabric of society with a builder's eye, know full well that that fabric receives no more support from these same pillars, than a Babylonian mansion does from their namesakes at the portico;—in both cases the pillars are only rotten sticks stuccoed over, while the strength is in the brickwork and beams that are concealed behind; but the utility is vulgarly believed, and that comes pretty nearly to the same thing. The great high priests of Mammon—those who, like the Grand Lama of Thibet, are hid from the eyes of mere mortals in their frail and sinful capacity, and held out as the vicegerents, if not the express incarnations of the god of the place, and as such the guardian angels of kings and nobles—contrive to be, to a large amount, the creditors of those who in office have it in their power to say whom the law shall watch, and whom it shall not; and though this be one of the hidden mysteries into which not even the common worshippers within, far less the

public without, are permitted to look, I dare not attempt to gauge its extent, though I am disposed to assign no mean dimensions to it.

Any farther account of the moral mischief of this extraordinary and execrable place, might seem incredible to that public, which is sedulously kept in ignorance of it, for the purpose of enabling those who carry on the nefarious trade, to prey upon the cupidity (for, after all, it is the cupidity, and he who is ruined by a transaction on the Stock Exchange merely reaps the reward, and it may be the just reward, of his own love of illegal gain,) of the unwise from Cornwall to Caithness, and from Lowestoffe to St. David's; and therefore it may be as well to interpolate some notice of the physical aspect of the place.

This is the more necessary, because those who have not been made acquainted with the real and most extended practices of the place, are apt to suppose that the Stock Exchange is nothing more than a place where the securities of the British Government, and others, for the payment of the stipulated dividends upon their debts, are bought and sold like any other commodities, in a fair, open, and legitimate way; and that the profits which they sometimes make, and the losses which they far more frequently sustain, arise from fluctuations in the weal and woe of nations, in which

neither they, nor the brokers who transact their business, have the smallest concern. Were this the case, it is quite clear, that no blame could attach to the Stock Exchange, and the business done there could be productive of harm to nobody. But the real business, the actual buying and selling, has nothing more to do with the intention of the parties, and forms no greater part of the expected value, than the half-dozen bunches of matches in the pretence-basket of a burglar, upon his morning reconnoitre, bear to the value of the plunder that he hopes to carry off during the night. The sales and purchases for the account are the chief, profitable, and tempting part of the business; and the real sales are usually conducted in a manner honourable enough, in order that they may be the better incitement and disguise in the case of these. In making the sale or purchase for the account, or the time bargain, the negotiator gives or receives no money farther than the commission which he exacts of those who may employ him thus to purchase or to sell upon their account. He merely engages to buy or to sell, against a certain day of every month, which is called settling day, a certain amount of stock at a certain rate. If the price, when that day comes, be the same as that which was agreed on, there is an end of the transaction; but if the price rises,

and he is a seller, he receives the difference, and if the price falls, and he is a seller, he pays the difference; and if he is a buyer, he receives in case of a fall, and pays in case of a rise:—as, if a jobber undertakes to sell twenty thousand three per cents. at 75 on settling-day; if the price rises to 80, he loses 1000*l.*, and if it falls to 70, he gains 1000*l.*; and if he engages to purchase, the effect, if the prices are the same, is to the same amount, but the other way,—gain if the price rises, and loss if it falls.

By this means the frequenters of the place are always divided into two classes; those who have to sell, and those who have to buy; or rather those who have to receive in the event of a rise of the price, and those who have to pay; the receiver in case of a rise, having to pay in case of a fall; and the payer in case of a rise, having to receive in case of a fall. The one party is therefore interested in the rise of the price, and the other party in the fall; and these parties are opposed to each other, with an avidity of gambling which often changes into personal rancour. The party interested in the rise are called Bulls, and those interested in the fall, Bears; and certainly the wars and conflicts of those animals, even in their most untamed and infuriate state, are mild and gentle compared with those which are waged by their namesakes.

If those parties continued in the same relative positions during the whole of the month, there might be some chance (though among them there would be no certainty) of understanding the matter; but as the wary bull, when he finds that the ultimate result has a chance of being against him, will sometimes attempt to hedge in the interim, by becoming a bear for a time, in order that he may in that capacity change the market ultimately in his favour as a bull, and as the wily bear will sometimes also play the same game, it is utterly impossible for any one to know what may be the effect against settling day; and he who without confederacy and collusion should attempt to buy against it, would be almost sure to lose.

There is no trick or stratagem to which these parties will not have recourse, and no lie which they will not utter, for the furtherance of their purposes. Letters and despatches from abroad are counterfeited, and lies and rumours of all sorts with regard to politics, and the state of the revenue, and of trade at home, are put into circulation, not only by whispered and mysterious messages and rumours on the Exchange itself, during business hours, but in all the newspapers over which they can exercise any control. The control that they can exercise in this way, is much greater than those who have not examined the matter could be

tempted to believe. This is gone about in various ways: sometimes (though rarely in his own opinion) the owner, or conductor, of the paper is a fool, and they hoax him; at other times it is better to pay down a hundred pounds than lose a thousand; and there may be cases in which a proprietor of the paper, or the person who furnishes the reports and quotations of the prices, may have a direct interest. When the latter is the case, it requires to be kept secret, and the public are often gulled by a general tirade against the Stock Exchange, printed immediately over an article which is inserted for the known purposes of jobbing.—As the jobbing is not confined to the eight hundred millions of the British debt, but extends to the foreign loans, and to all companies of which the shares are transferable, the gambling and the tricks and lies extend to all; and as many states and companies of which the public have no immediate means of knowing the real condition, are in the market, one hardly knows what to believe respecting those states and companies. It used to be believed, and some people believe still, that those rumours, whether of matters at home or of matters abroad, that are inserted in the papers of one day as truths, and contradicted in the next as falsehoods, were the fabrications of needy editors, for the purpose of filling up their columns. Such,

however, is not, and probably never was the case. There is always matter enough, of some kind or other, for filling up the largest newspaper; and though there were not, that would not be the way in which a supply would be sought for, without some stronger stimulus than that of mere want of matter.

A time of tranquillity for the country is a time which the stock-jobber hates, because, during such a time, his inventions can have little influence upon the price of the public securities. Like the raven, he takes pleasure in storms, hovers over the field of battle, and is in perfect rapture when any great man dies, or any important enterprise fails. It might be supposed that he is as much pleased with public prosperity, and a gradual rise in the funds. Such, however, is not the case. He does not want either a rise, or a fall, that is gradual and depends upon causes which he cannot influence. What he wants, is alarm and uncertainty, under which he can operate himself the change which may be most advantageous for his purposes; and as experience soon teaches him that the fears of mankind are much more easily excited than their hopes, public disaster is his harvest and his delight. By working upon the fears of the public, he can, in times of alarm and difficulty, intimidate the *bonâ fide* holders

of stock to direct him to make real sales upon which he gets a commission; and as, if he happens not to be possessed of capital himself, he speedily finds those who are, he and his associates hold that till the lie has ceased to operate, and then he sells at a profit besides a second commission. At the same time he entraps those who employ him, to offer similar rates for the account; and by the confederacy to which I have already alluded, defrauds them, and at the same time escapes suspicion by making it appear that he is the greatest loser himself.

These inundations of bubbles, which those who do not know or advert to the Stock Exchange, are apt to regard as unexceptionable hallucinations of the public mind, are in reality crops sown and cultivated by the stock-jobber, of which he reaps an abundant harvest; and during the bubble-mania of 1825, persons of this description were hunting about in all directions, in quest of those who had skill to invent a plausible scheme, or impudence to vamp up an imposing prospectus; and when either was obtained, the jobbers thronged for shares, brought them out at a premium, sold them at such as long as ever they could, and, when that was no longer practicable, refused to pay the instalments, or returned them to the

directors, with whom they were in collusion, as shares that had never been subscribed for.

The quarters to which recourse may be, and is often had, for the purposes of jobbing, are much higher, if not more honourable, than one would at first imagine. For the honour of the cloth, I will not venture to say that I ever heard a stock-jobbing sermon, though various members of that profession do invest their surplus moneys in the funds, for the support of the state—and their own profit; but this I will say, without fear of contradiction, that some of the most earnest, though certainly not the most eloquent orations that I ever listened to in the pure atmosphere of St. Stephen's, were either meant to influence the price of stocks, or they had no meaning whatever. This high confederacy is, of course, not sought after in ordinary cases, because it is expensive—far too expensive for any individual jobber, save those who have higher objects in view than the management of a common time-bargain in stock. But when a loan, either domestic or foreign, is to come into the market, it comes into play; and it did the same largely in the case of the bubbles. Nay, it might not be very difficult to prove that (of course in times less pure and wise than the present) mem-

bers were returned to parliament merely for stock-jobbing purposes, some of them on their own account, and some on account of others. I have even heard, though at what precise era I cannot venture to say, of an official personage, in a rather important office, who used to make up his scanty salary by a successful bargain or bit of good advice on the Stock Exchange. This, however, is an allegation which I myself am not bound to believe, unless I choose; and therefore I cannot see that any one has a right to bid me force the belief of it upon others.

Because few of my readers may have the opportunity, and still fewer the hardihood to look into this singular den; and because it probably does not now, and certainly will not long (very long at least,) continue to poison the mercantile character of the city, and the morals of the whole country, let them imagine it in the filling up of my sketch of that, to which neither pen nor pencil can do justice.

The locality of the Stock Exchange is well chosen, being at a point where intelligence from the Bank of England, the Royal Exchange, and the different coffee houses where private letters from abroad are received, may be obtained in a few minutes; and thus "news from all nations" may be very speedily manufactured with an air of

authenticity. One wide portal gapes toward the Bank, in Bartholomew-lane; and there is a sally-port into Threadneedle-street for those who do not wish to be seen entering or emerging the other way. From the dull and dingy aspect of these approaches, which it seems cannot be whitened, one could form no guess at the mighty deeds of the place; and when the hourly quotations of the prices of stocks are the same, the place is silent, and only a few individuals, with faces which can grin but cannot smile, are seen crawling in and out, or standing yawning in the court with their hands in their breeches' pockets. If, however, the quotations fluctuate, and the Royal Exchange, where most of the leading men of the money-market lounge, be full of bustling and rumours, and especially if characters, with eyes like basilisks, and faces lined and surfaced like an asparagus bed ere the plants come up, be ever and anon darting in at the north door of the Royal Exchange, bounding toward the chief priests of Mammon, like pith balls to the conductor of an electric machine, and when they have "got their charge," bounding away again,—then you may be sure that the Stock Exchange is worth seeing, if it could be seen with comfort, or even with safety. At those times, however, a stranger might as well jump into

a den of lions, or throw himself into the midst of a herd of famishing wolves.

But, though it would not be either pleasant or safe to enter the gate at such a time, yet a peep into the court gives a new view of human nature—a view so new, that one doubts whether the moving things which are passing and repassing the inner gates, like bees on a sunny day, be human or not. Every passion that the "root of all evil" (the fruit, by the way, is very good when properly cultivated) can stir, is depicted. Upon the visage of one who enters, sits the burning avidity of a plunderer rushing to the spoil; upon that of another, the agony of a criminal after the judge has summed up and the jury retired from their box; a third comes in, gaping wonder, with ears, mouth, and eyes distended to the maximum of their receiving capacity; and a fourth struts in with his mouth contracted to a line, and his breast heaving with some mighty secret, as though it would burst. Of those who come out, and of whom the fortunes for the day, and it may be for ever, are sealed, the countenances are more marked still. One bounds along in an ecstasy of delight, casting a leering eye upon those whom he has outlied and ruined; another comes growling, because he has neither lost nor won; a third is writhing his face, gnashing

his teeth, and slapping his forehead in a paroxysm; and a fourth, with his chin on his breast, his hands dangling by his sides, and his eye "fixed on vacancy," stands at the threshold, heedless of every thing around him, the very type of remediless woe, until, very possibly, the man who has ruined him, kicks and bustles him into motion, and pushes him out at that gateway, which he dares never again enter, amid the grinning plaudits of the loathsome group. If any painter, or sculptor, or actor, wishes to delineate the sordid passion in all its appearances, he will find upon such an occasion models more true to Nature than the *chefs d'œuvre* of the finest art.

While the stranger stands gazing at these agonized men, in a reverie of the most profound astonishment, in which the most acute understanding can hardly thread its way, his contemplation is ever and anon broken by the most uncouth shouts and the most dismal yells, issuing from the interior of the den. Bedlam is out-bedlamed by the din; and one instantly thinks of the dog-ribbed Indians starting from an ambush, or the natives of New Zealand preparing to drink the blood and gnaw the bones of their captives.

Even this, however, is nothing to the interior, because, in the court, the figures glide so rapidly away, and their places are so soon supplied by

others, that you have not time to fix their characters upon your mind. Imagine then, that you have got into the great hall (the place, when you get into it, consists of three halls, one larger than the others, and some smaller apartments) early in the morning, before the business of the day is commenced; imagine that it is a time of public anxiety and alarm; and imagine farther, as it will give a characteristic tint to the scene, that it is the gloomy month of November,—that variable and capricious part of it, when the sun, which is able to cast a few pencils of dull red light through the smoke of the morning, may, ere noon, be veiled in a fog so dense, that the lamps must be lighted ere people can find their way in the streets.

You take your station in the great hall, where you can see but the warders of the place. Crowds of carcases, which appear to be all ears and no tongue, first pace the floor in silence, or pore upon the newspapers of the morning. They are thus silent, lest the plots and confederacies of the one side should be known to the other. An agent of one of the great leading houses comes in and surveys the house, and he seems for a moment to act as the angel of death; for though every feature of every face be asking a question, not a tongue is moved.

Ten o'clock approaches; the hall throngs; there

is a ripple of articulated anxiety, and some of the redundant spirits are sported in tricks, where it is known that the object will not or dares not resent. The serious door-keeper, the *cerberus major* of the place, ascends a little platform; and fixing his eye upon the clock, poises a watchman's rattle in his dexter-hand. This rattle is the "view halloo" for the pack; and they stand panting and straining, like blood-hounds on the slip, with their eye upon the clock and their ear intent to catch the sound, till the index points to the hour, and the rattle

"Cries havoc and lets slip the dogs of war."

At the voice of the rattle the whole bound into a heap, pushing, pulling, shouting, staggering and swearing, as if they were, by the force of collision and compression, to dash into one mass. One party is clamorous to sell, and the other equally clamorous to buy; and the news of the morning and the former evening is served up by each party in a different way, sauced and disguised by every thing that each party fancies can in any way influence the first start of the market in their favour. That start—the opening price, is a matter of the highest importance, as it in some sort regulates, or at least influences, the whole transactions of the day. When sudden and important news, or even a skilfully hatched invention, can be vociferated

to the mob, while this is pending, the din may be fearfully prolonged; and the announcement of the first sale may cause the instant transfer of hundreds of thousands, the plunging of many families into instant and hopeless ruin, and the elevation of a few to great and undeserved wealth. But there is a sort of retributive justice in jobbing, and like most other vices that are not punishable, or at least punished, by law, there is, sooner or later, a punishment in itself; and the same man who upon one fortunate day, netted his hundred thousand pounds, may, ere the sun brings round that day twelvemonth, be swept of his last shilling, and his heart give the last convulsive flutter with that life of which his own hand has been the executioner.

When the passions are once thus dreadfully excited, it requires little additional impulse to keep up the excitement. This is the chief reason why the opening price is so very important; for if any party be able to raise a whirlwind and storm in their own favour at the opening, they are generally able to ride on that whirlwind and direct that storm during the day.

In proportion, however, as the unfortunate party lose, they become desperate; and though defaulter after defaulter may be hooted out of the place, those within become more and more furious in the

struggle, in the hope that by some chance or stratagem they may regain at least a part of what they have lost. If the news or the fabrication be of a disastrous nature, the bulls do not come to action all at once, though they all clamour at the same time. The weak-nerved come first, and then the others in succession; and it sometimes happens that a brazen bull, by turning bear at the middle of the contest, and bull again at the end, realizes large profits.

If a second impulse be expected, either a deeper plunge in the way of the first, or a reaction the other way, the wrangling, the noise, the madness, continue till the physical strength of some and the moral strength of the others appear to give way: gasping, pale, covered with perspiration, and sometimes having their clothes torn and the tatters covered with saw-dust, individuals hurry to the neighbouring coffee-houses to swallow basins of soup or glasses of wine and spirits. Sometimes when they are in the act of swallowing these, the yell of ruin or victory to that side which they have espoused, will reach them, and the basin or the glass will drop from their hands, and they will hurry off to mingle in the strife.

The turn which the awakened passions take is sometimes very ludicrous, from the violence of gambling strife, in which, for the purpose of irri-

tating the parties, throwing them off their guard, and thus getting the better of them in the game, all sorts of personal abuse that scandal can find out or slander invent, are brought into play. The exacerbation of this will sometimes pass into a real phrensy, in which the whole assembly, apparently unconscious of what they are about, will knock off each other's hats, tear each other's coats, throw clouds of sawdust, and yell, kick, strike, and even bite, till their conduct has no resemblance to that of rational creatures.

The termination of this brawl is sometimes as singular as the conducting of it is unseemly; for a vulgar song, begun in some corner of the crowd, will sometimes be taken up by the whole, and bawled till the walls and roof shiver to the din,—emulating that glee which Burns describes among the beggars at "Poasie Nannie's," under the influence of which

> "Frighted rattons backward look,
> An' seek the benmost bore."

The brawl which takes place here is not a battle in anger, neither is the song a ballad in glee; they are both secondary symptoms of the depth of the gaming and the madness to which the gamesters are worked; and they plainly show that, whatever of design and cunning there may be in the planning of that which produces so dementing an excitement,

it often proceeds to a height which cunning itself cannot control, and of which, for the moment, it can take no advantage.

Occasionally, however, these mad scenes have their use to the deeper gamesters; for it may happen that a real communication, or an invented one, shall be brought in by one of the solemn-faced personages already alluded to, before the song has closed; and then, as if by the wand of an enchanter, the song and its echo are snapped asunder, and the hall becomes for a moment still as the grave. This stillness is but momentary; for no sooner has the messenger arrived at the party to whom he is to communicate his purpose, than the roar, the wrangle, and the rush are renewed with as much vehemence as at the first,—or at least with as much as the strength of the parties can bear.

Amid all this confusion there is a sort of rule, or at least of supremacy; for the whole hinges upon a knot of persons who constitute what is called the Stock Market by way of eminence. They regulate the prices that are proclaimed in the hall; they furnish the quotations that are hourly posted up, and also those that are inserted in the newspapers, and therefore they may be said to be the real arbiters of the marketable value, not only of the eight hundred millions of the national debt of Britain, but of all the foreign loans, shares of

companies, and other securities that are bought and sold on the Stock Exchange.

Those who have visited this den upon a day of agitation, and when a dense fog has come over it, describe it as coming nearer to Milton's description of hell than any thing else that nature or imagination can furnish. The dense atmosphere makes one feel as if one were breathing a solid; the lamps glimmer dim and red through the fog, and like the flickerings of the infernal fire, "cast, pale and dreadful," a light which is more nearly allied to darkness; the darkness thickens toward the sides of the hall, till these be lost sight of, and the whole puts on the appearance of an infinitude of space; the yells which ever and anon come from the groups in the shade, upon whose side, next the lamps, there falls but a line of "darkness visible," put one in mind of the wailings of the accursed; while the more active figures that reel and rage in the light, are the express images of tormenting devils,—nor does the image fall much short of the reality, either in their desire and power to torment others, or in their being doomed to share the same torment themselves.

What is here written falls far short of the truth; for, if it were possible to lay bare all the finesses, tricks, and falsehoods by which the prices are influenced, and all the consequences that result,

the picture would be one upon which no man of feeling could look. A thousand persons in and about London alone, who leave their families in the morning in affluence and expensive habits of which they had calculated there would be no end, return to them at night with the certainty of ruin, want, misery, and, it may be, infamy. For what will not a man whose passions have been inflamed by such a scene, and whose excitement has, without pause, been followed by the agony of despair, —what will not such a man do?—theft, robbery, burglary, suicide, any thing. And yet people all over the country will dabble in the funds; will risk and lose their money for the support of this most iniquitous and corrupting of all associations,—an association which, independently of the mischief that it does to those who are immediately connected with it, withdraws the public attention and the public capital from more honest and deserving objects.

Those who are fonder of playing with their own theories than with the facts which the world sets before them, would be very apt, from the existence of this corrupt and corrupting association in the very midst of the greatest commercial city that ever existed, to conclude, that there is in commerce something which blunts the honest powers and feelings of nature, and lays man open to this spe-

cies of vice. But the fact is, that there cannot be two things more opposed to each other, than the spirit of gaming and the spirit of commerce. The true commercial principle is equity,—a fair measure of commodity against commodity; while the object of the gambler, and of the Stock Exchange gambler as much as any other, is to get possession of that which is not his own, without giving any equivalent whatever. Nor is it mere theory only, for the theory is borne out by the facts: the respectable merchants of London care nothing about the Stock Exchange, and the members of the Stock Exchange know and care nothing about the merchants of London. They and their institution are not part of society; they are foreign to it, a stain, an excrescence. Nor are they akin to any other country: they are an anomaly in human nature altogether. Summer and winter, plenty and famine, virtue and vice, prosperity and adversity, (no, not prosperity and adversity, for it is by adversity that they make their chief gains,) are all the same to them. One jot they care not whose ship founders, whose house is burned, or whose life has been taken away by an assassin. Give them fluctuations in the funds, and fools whom they may strip of their all and send to beggary or the gallows.

Why should such a crew meet with encourage-

ment, and where should they find recruits when death, defalcation, and suicide, thin their numbers? I can find but one answer: that love of strong excitement is inseparable from those whose appetites are pampered, whose minds are uncultivated, and whose morals are utterly gone.

CHAPTER VII.

FANES OF MAMMON.—γ.

THE HELLS.

———" Torment without end
Still urges." MILTON.

THOSE who are anxious to see the full fruition and benefit of that which all seek, and the majority never can find—a total exemption from (or perhaps it is more correct to say, a total disregard of) all the ordinary cares and occupations of life, and a surfeit to nausea of all its ordinary pleasures;—to see men, who have been nursed with tenderness, educated in the hope that they might be useful and virtuous, and who have, in many instances, won honours in the service of their country, abandoning every pleasurable and profitable consideration, putting from them not merely the reason, but all the natural passions, and even the natural vices of their kind, and giving up their whole souls, their whole time, and (for to that it must

come, and does come in the end,) their whole means of supporting themselves, for one desolating and degrading vice, a vice which has not one plea in its favour,—those who wish to see that and them, have only to resort to the purlieus of St. James's, and they will find their curiosity gratified, by scenes of unmingled cold-blooded plunder, agony, despair, and self-destruction.

Different from other sinks of vice, which may almost be called temples of virtue as compared with these, "The Hells," as they are most appropriately named, are not situated in retired neighbourhoods or obscure corners. No: their owners are too much bronzed in iniquity, too utterly unhumanized for that. Those who pander to, and profit by, the other vices of mankind, have "a private door round the corner," which shows that though they may have lost the greater part of the substance of virtue, its shadow continues to fall upon them in the operation of shame. Not so with the hell-monger. His "den of deeper damnation" flares full to view in the most thronged and public street, and to all, save the ministers of justice,

"Noctes atque dies patet atri janua."

But he whom the mean desire of participating in unhallowed gain, tempts to enter the inviting

portal, finds that, until he be utterly ruined, there is no escape, no return to the "golden skies of a tranquil mind." The obtrusive impudence with which those hells mingle with and outvie, both in external and internal splendour, the dwellings of the nobility, tells a tale of alteration in the public morals which one cannot trust one's self to set down on paper, and points out to how miserable a pass those are driven who have drained the ordinary sources of pleasure dry, and are, from custom and qualifications, incapacitated for killing their time over any thing useful. A superficial observer would be apt to spend his maledictions wholly upon the wretches whom the iniquity of those places raises (if raising it can be called) from the very bottom of human degradation, to the very summit of wealth; and it must be allowed, that of all robbers, those who rob by gaming are the most cowardly as well as the most destructive. They are the most cowardly, because they risk nothing. A guerilla in the mountains of Castile, or a brigand in the Alps or the Apennines, may be a good man, and must be a brave one. He may live in hostility to the laws, and he may be stained with the most desperate and daring offences; but oppression may have made him an outlaw, and necessity may have initiated him into guilt. The hell-monger has no such plea: society is open to him,

and there is nothing to bring him to his course, or confine him to it, save the utter depravity of his own heart. Courage, being in itself a virtue, quits the bosom when all other virtues are gone; and if it still remains, one may be sure that other virtues are there also, and might be called into operation by a proper change of circumstances; but there is no virtue that will dwell with cupidity or cowardice, much less with the two when they are indissolubly joined. It is this which gives one the true key to the character of him who lives by gaming, and enables one to see why the wretches who amass the greatest plunder at those hells are always raked up from among the filth at the very lowest bottom of society, fellows who, in the whole course of their lives, have never been guilty of one honest resolution, or one generous wish.

But the plunder of the gamester is also far more destructive to him from whom it is taken than that of the thief or the robber. He who is robbed, or has his property stolen, stands morally upon higher ground than he did before. He is not deprived of those powers and faculties by which he can acquire more; and instead of having cause to reproach or blame himself, he feels that he is an injured man, —a situation in which, as one would say, "a man's spirits rally in his own aid," his energies are concentrated, he stands more firm and erect, and is

capable of more daring deeds. The account which Horace gives of the increased valour of the soldier after his purse had been stolen, is as true in philosophy as it is elegant in song. But the spirit of the gambler's dupe is broken, as well as his fortunes. Along with what he had, he has lost the power of acquiring more; and if he does not terminate his life in a moment of madness, he wears out the remainder of it in self-condemnation and despair. Thus the gambler is, in every way that can be viewed, the very worst character that can be inflicted upon society.

Bad and worthless, however, as are those characters, it is not upon them that the burden of the evil done to private happiness and public morals lies. They are all too insignificant for that; and were it not for the scope which is given to them by others, their vices (for under any circumstances they would have been vicious) would have been displayed in another manner. Had it not been for the restless demon of *ennui*, which, to the idle voluptuary, turns the honey of life into gall, the man who now, in the sight of the law, and almost at the very threshold of royalty, amasses his hundreds of thousands every year, would, in all probability, have expiated his crimes by having his worthless carcase displayed at Newgate, in testimony of picking the pocket of a blind man in an alley, or

robbing a poor beggar girl of her cloak upon a common; and thus, though we cannot help despising him as the instrument, our more deep and bitter feeling should be directed against those who give him scope and aid in his unholy work.

I do not so directly mean the dupes who are daily ruined in these dens of iniquity, although they too are guilty, and, if the ruin were not to their families and the public, justice would say that it were richly merited. But the guilt could not, as it is, be openly perpetrated, in the knowledge and with defiance of the law, if there were not somewhere a shield, which the sword of justice cannot or dares not penetrate. This it is which forms the root of the evil; for we find that, in small cases of gaming, the law is powerful and vigilant enough. If a few tradesmen shall, after the labours of the day, go to the ale-house and play a game at cribbage, for a tankard of ale, or a few pence, oh how quickly the jackals of justice are on the scent, and how the mane of the lion is shaken in angry denunciation; but let the scene be laid in a great house, let every stake be thousands, and the nightly plunder tens of thousands, and "then there is a lion in the way" more fierce and fell than he whose choler is in high chafe when the mechanics touch the cribbage-board. I do not mean to advocate the gaming by the mechanics; I am sure that any of

them could spend their time better; and as far as the principle and the example go, they are just as corrupt and as corrupting in gaming for a penny as for a million. The great fault is, that the justice is not even-handed; that they swallow the camel, "while they are straining at the gnat;" that, in their solicitude about "the mote" in the eye of the poor man, they heed not "the beam" in the eye of the rich. "Oh but," say they to whom the execution of the mandate falls, "we have the utmost horror and dislike to those same hells; we are constantly upon the watch for them; but they have so terribly strong doors, and they shut and open in so unusual a way, that we cannot get in; or if we got in, the chance is that we should never get out again. Nor is this all, for there are so many of these doors, that long before we can force our way through the half of them, the garrison have escaped by some sallyport unknown to us, carrying with them the whole of their *materiel;* so that we lose our labour, the public has to pay the expense, while the gamblers return to their den and laugh at us and our laws."

There must be some truth in this plea; for it is the only one which is pleaded whenever "the sake of appearances," or whatever else it may be, renders it necessary to make a feint of attack on a hell. But why should the "arm of power," which

is so invincible, which comes into the houses and pockets of the people at home, when it lists, and for what it lists, and which has ere now defied the combined force of the globe,—why should this "arm of power" drop nerveless and paralysed the instant that it is lifted up against the door of a gaming-house? Is that door a sort of *Gymnotus*, which can unnerve the arm that touches it with a battering-ram? No, not physically; but it seems that there is a moral electricity, which is as invisible, and much more powerful than that of the far-famed fish. What may be the specific organ in which this power is contained, it is impossible to know, and might not be safe to conjecture; but, somehow or other, one can never think of it without at the same time thinking of some person of quality—some of "the Corinthian capitals," not of the state (necessarily), but of society.

This assertion may be both unfounded and unfair; but it is very generally made, and till another cause be found and stated, it will continue to be very generally made; and therefore it produces the same mischief as if it were publicly demonstrated. Indeed it produces more mischief; for if the fact were established, the cause of it would be seen; it would be palpable, from the cupidity and injustice which would be revealed, that gaming in a titled personage is just as immoral and degrading as it is

in him who, but for gaming, would never have lifted his head from the dunghill;—that in the hell, as in the grave, there is no distinction of persons.

The mystery and concealment in which this connexion, if such connexion there be, is at present wrapped up, throw the whole of this disgusting part of the matter into the shade. As gambling is punished on the part of the humble, and spared on that of the daring, people regard it as a fashionable and desirable thing, a pleasure which the lofty would monopolize, just as they do the killing of game; and when the landlord of an alehouse is brought up and fined, or gets his licence taken from him, because mechanics have been playing cribbage in his parlour, the people feel toward it in the same way as they do toward a prosecution under the game laws. By this means the immorality and odium are taken away; and as gaming is made, as it were, the prerogative of the great—one of the badges and characteristics of fashion,—and, as such, the vain and the thoughtless are always disposed and anxious to wear it; in consequence, it creeps into quarters where it is little to be expected, and less to be wished; and though they seldom can obtain money enough to pay for their admission into the greater hells, yet there are, in many places of the Babylon, and more particularly in the vicinity of the great theatres, hells,

at which the "London 'prentices" are inveigled to waste the money of their masters, at the same time that, by the other practices of those places, they are ruining their constitutions, and qualifying themselves for "foreign travel" in the Southern hemisphere. Notwithstanding much discovery and many fulminations, there seems to be some sort of protection for these wretched hells also; and indeed, a person who was fond of reducing long stories to short sentences, would be very apt to lay down as an axiom, "That any party may practise any vice in the Babylon, and be protected in the practice of it, provided that the profits on the practice will pay for the protection." Those minor hells, however, how debasing and destructive soever they may be to the morals of the unthinking youth of the Babylon, and how much soever they may conduce, by the infamous characters that are always collected about them, to augment the number of nightly depredations, are all carried on under false colours,—while the inmates do one thing, the sign-board says another. Not so with the deeper hells of the West. Whatever may be the style and decorations of the buildings, they are hell all over. They need no sign. Go into the streets where they are; find out the mansion of the most captivating aspect, and with the most alluring entrance, and that you may rest assured is a hell. About it every thing is fine and

fascinating, and a stranger would suppose that in such a mansion there could be found none save the highest and most honourable in the land; and if he felt either himself or his property in danger, the hell is the very place to which he would flee as an asylum.

If, however, he should be told, that the whole of this vast and gaudy pile had been erected out of a year or two's plunder; that the sole and only object of it was to rob the vain and the silly (always allied, by the way,) of their property; that, for the accomplishment of this purpose, agents were appointed, and scouts running to and fro throughout the country; that others of smooth tongue and winning manners were stationed in every public room and place of resort, for the purpose of worming themselves into the favour and confidence of those whose fortunes and propensities had been favourably reported for the concern; that these panders to the den are furnished by the council with lists of those whom they are to allure, and notes of the mode of alluring; that within that tempting place is contained every thing that can pamper the appetites and lull the reason to sleep; that the air, the sea, and the earth, are ransacked for the richest and rarest viands, and that for the preparation of these to "bankerout the wits," nobility,

and even royalty itself, are outbidden for the Swiss of cookery; that every liquor that can be had to "lap the senses in Elysium," is offered without money and without price; and that, after all these great and costly establishments and givings, there yet arose from what was perpetrated within those walls, a revenue greater than that of the wealthiest man in these kingdoms,—he would pause at the threshold and exclaim, "This must be a den of monstrous iniquity!" And truly so it is. It is a whited sepulchre—"full of rottenness and dead men's bones:" rottenness of every principle and every feeling, and dead men's bones, not by any allegorical flourish, but in literal truth.

They who pass by see the splendour, and many of them are thereby tempted to enter—if they are worth the ruining; and can find any one who will introduce them to their ruin; and if they are wealthy, there are, as I have said, those upon the watch who can soon conduct them to their fate. The blandishments of the place are seen, are ostentatiously displayed; but the crime and the misery are veiled from mortal view. After the game is found, and the hounds of the table are on the slot, there remains no disinterested spectator who can tell the tale; and the previous preparation is such, that the poor victims are unconscious of their fate, until the intoxication

has abated, and the bonds which they have executed in the madness of wine and despair, are put in force against them. Vast as are the sums lost in the games, they do not make up the whole, or nearly the whole of what, if the losers have the means, they are compelled to pay; but care is taken by the gamesters, who carefully avoid that which intoxicates their dupes, that there shall be no means of detecting the fraud.

Independently of the fascinations of those hells, and the agreeable manners which the hell-mongers and their confederates can, ere matters come to the extreme point, assume, there is an air of fairness in the games themselves, and also in the appearance of the manner in which they are usually played. Indeed, the leading games at those places are so contrived, that there is no need for unfairness in the mode of playing. That, if discovered, would ruin the character of the house (for even these dens of iniquity can *talk* about *their character)*, and therefore, matters are so managed, that the certainty of gain to the one party and ruin to the other is in the game itself. This is at once a surer and a safer means than the others: the party to whom the hell belongs, are certain of that part of the stakes which the chance of the game gives in their favour, and from their familiarity with

the run of the chances, they generally have the better of the player with regard to the rest.

The games most frequently played, are *Rouge et Noir*, and *Roulette;* and they are no doubt selected, because a great number of persons can play; because the stake of each may be, within certain limits, proposed by the owner of the den, whatever he thinks fit; because the performance is very rapid; and because the appearance of the game, and the quantity of money displayed for the purpose of paying those who win, is very tempting.

I pretend not to much knowledge of these games, and it is a knowledge of which folks need not be very ambitious; but yet a slight outline of them becomes almost necessary.

The reader will therefore be pleased to imagine that he has got into the moral slaughter-house of one of these hells, and that the business of the evening is just commencing. Sometimes, the table for the *Rouge et Noir*, and that for the *Roulette*, are placed in the same apartment; and sometimes there are by-tables for other games with dice and cards, at which the confederates of the fraternity, who are not immediately occupied at the business tables, contrive to pick up money, and also to entice the novices to these; but the whole matter will be more easily understood, if the tables are mentioned separately.

Imagine then that you have got into the hell of slower torment, the *Rouge et Noir* saloon. Your first impression is that your conductor has shown you into the wrong place, and that you are not in hell but in Elysium. The hall itself is of the most ample dimensions, and the most perfect symmetry; the ceiling is tinted with the most airy colours of the sky, the carpet outvies the gayest parterre, the festoonings are of the finest damask; wherever you turn your view, a splendid mirror repeats the scene; on the sideboards are all things which the voluptuary can covet; and the glare of light from lamps and lustres, broken into the most beautiful rainbow tints by ten thousand faucettes of crystal, outshines and outdazzles those "cressets," with which the enchantment of Milton lighted up the infernal palace. Nor does the company please you less; for though those persons who are so assiduous in their attentions be as base-born as they are base, they are trained to assume the external air, and play off the external manners of gentlemen. It is very true that, if you could be calm and philosophic, you would easily detect them; for the tailor, the posture-master, and the barber, cannot make a gentleman; but that is a place which calmness and philosophy do not enter, neither could you introduce them if you would. Among these, however, may sometimes be seen the titled of the land, and

occasionally (though I hope not often) the fair and the fascinating. In short, the people who are taking a momentary rest upon the chairs, sofas, and ottomans, appear, at a casual glance, to be the blissful tenants of a blest abode; but even ere "the slaughter is begun," if you look narrowly, you can discern on them "the print of passions, not allied to heaven."

In the middle of the apartment stands the table, putting you a little in mind of the great sacrificial stone, upon which the Mexicans immolated the unhappy victims to glut the vengeance of their unsightly goddess of war. The divinity here offends not the sight as did the Mexican idol, but it is as cruel in reality, and the victims to it far outnumber those to the other.

This sacrificial table is of large dimensions and handsome appearance. Upon the centre of it is piled an immense heap of money, to tempt the cupidity of the players; and the inexperienced youth, who has had his ear poisoned by the flattery of the decoys, and his brain influenced by the wines, hesitates not long ere he communicates to his betrayer that he is resolved "to have a dash at it." One of the confederates, whose business it is to deal the cards, sits at one side of the table beside this money, (or bank, as it is called,) and another sits opposite to him, whose business it is to "rake"

towards him the sums won by the bank; while there are others that pay the losses, and watch the play. There are two sets of chances in the game, the *red*, and the *black*, and the *colour*, and the *reverse*, but these are determined at the same time; large square patches of red and black are placed for the stakes ventured upon these, and the stakes for the colour and the reverse are laid down between them. Before the game begins, the spots on the table, the heaps of money, six packs of cards sealed up, and the fatal rake, are the whole apparatus that appear.

At the time appointed, the *tailleur* or dealer takes his seat; the other confederates are at their posts, and the players throng round the table. The six packs of cards are then unsealed, counted, shuffled pack by pack, first by one confederate and then by another; then by *one* player, who may be, and very often is, also a confederate; then again by the dealer, who mixes all the packs together, shuffles them once more, and has them cut; and so they are ready for the game.

The stakes are then put upon the *black*, the red, the *colour*, and the reverse, at the pleasure of the players, and to what extent they please, according to the rules of the particular hell. The *red* and *black* are decided by the points, or spots, contained on two separate rows of cards, which the

dealer draws from the packs one by one; first a row for the black, and then another for the red. In each suit of cards, the ace, king, queen, and knave, count ten, and the other cards the same number as their spots, so that there are five times as many tens as there are any other numbers; that is, 120 tens in the whole, only 24 of each intermediate number, and no aces. This makes the chance a little puzzling; but the puzzle does not apply to the red and black, of which the chances, if the cards be fairly shuffled and drawn, are precisely equal; neither does it make any difference to the colour and reverse; and as the bank always plays a stake equal to that of every player, the game has an air of the most perfect equality.

Thirty-one *(trente-un)* is the number of the game, and the dealer continues to draw cards till the points on them either come to that number, or the least above it, which may be any thing not exceeding forty. It cannot exceed forty, because though the previous number had been thirty, the highest that could be added to it is ten. When the dealer has drawn the row for the black, he calls out the number by which the points on them exceed thirty; and this number is carefully noted by the players. Then he proceeds on the same number for the red, and calls out the excess

for it in the same manner; and that being done, he pronounces that the one which is the nearest to thirty-one, in the event of their being different, has gained. Upon this, all the stakes upon that which has lost, are raked to the bank, and all those upon that which has gained are doubled.

The *colour*, means the colour of the first drawn card (black or red, as it happens); and the *reverse*, the other colour. If the colour be red, it gains if red gains; and if black, it gains when black gains; and in either of these cases the reverse loses;—but if the winning colour be different from that of the card, the reverse wins and the colour loses.

Thus, in both parts of the play, the bank both gains and loses every time, and each player either loses the whole of his stake or doubles it, unless he happens to stake both on the red or black and the colour, and the one of these gain and the others lose. The sum which the bank, or house, wins, at any single game, has no reference to the sum which it loses. Thus far the chance is fair; but as the bank plays always, and the players only occasionally, it has the advantage even in this respect.

The gain to the bank, and the absorption by that of any sum of money that may be played, however large the amount, are certain, if the play be continued long enough. If the points for both

red and black be the same, and both above thirty-one, the play goes for nothing, and the players may withdraw or continue or alter their stakes, just as they please; but if both be thirty-one, the bank is entitled to one half of all the stakes on the table, upon what part soever they are adventured; and the only way that the players have even a chance of winning back that half is to put it in the prison, and take the chance of losing the whole. Now it is this *thirty-one*, which is very mysteriously wrapt up, which produces the certain and enormous gain to the hell-monger.

If the number of points upon each suit of the cards were regular from one up to thirteen, and if by their permutation there were an equal chance of drawing each of the ten numbers over which that chance ranges, the chance of one of the rows being thirty-one, would be one-tenth of the whole; and the chance of their being both thirty-one, would be one-hundredth; so that the players would lose one half per cent. on their stakes every time they played, which, as the stakes are played many times over in the course of a night, would amount to a large per centage. Thus, if the average stakes were twenty thousand pounds, and played for twenty times in the course of a night, the gain to the hell would, if they played every

night; be *seven hundred and thirty thousand pounds a year!*

But those who choose to take the trouble of calculating the chances of drawing thirty-one out of cards, in each suit of which there are five tens and not a one, will find that it is something very different from one in ten; and that a much smaller sum than that mentioned will produce the enormous gain alluded to:—So great is it, indeed, that the average stake must be gone in two or three nights.*

Those who cannot, or who do not choose to make the calculation, may so far judge of the matter by considering that as there are five tens in the cards for every one of the other numbers, the chance of drawing one ten is five to one against any other particular card, and five to eight against drawing any other card whatever; for it is five-thirteenths of the whole chances that are there. So also the chance of drawing two tens in succession is to that of drawing any other two cards whatever as 595 to 4056, or two tens should be drawn in succession rather oftener than every seventh time. But supposing two tens to be drawn, the probability of drawing another ten would be diminished to about once in twelve times, and the probability of drawing any other

number would be rather less than once in two trials—being 192, the whole of the other numbers, to 310, the remaining cards. There is, therefore, a chance of six to one nearly against the number drawn being thirty; and if we omit ten, which is the only number that, with the twenty already drawn, makes thirty, there is a chance of six to five that the number shall be drawn, against the other numbers singly; or of six to fifty-one (or about one to eight) against them all. Thus the whole chance that thirty-one shall be drawn is six to fifty-one, or about six per cent. on the whole stakes every time they are played.

Considering the rapidity of the play, it is easy to see how, with a very moderate stake, the whole of the expense and splendour of the hell can be defrayed; they have only to play for five hundred pounds, play sixteen times over in the night for half the year, and seventy-eight thousand pounds are in the claws of the harpies.

It may, and indeed must be, that some will gain; but even, if they continue, no occasional winning can long satisfy the drain made by the table; and therefore the professional gamester has nothing to save him from certain ruin but to cheat, or to be in confederation with those who keep the hell; and independently of the state of

mental agony in which such a character must live, not the meanest den of theft can produce more demoralizing and debasing consequences. If any thing like reflection be left to him, that reflection must give to his breast all the torment and disquietude of a hell, and make him far more miserable than the wretch who is chained to an oar for life, and doomed to toil in the galley under the fervour of a summer sun.

As you linger in this abode of destruction, and the fumes of the wine begin to subside, woe and misery display themselves in their true colours; or a double draught of the inflaming beverage rouses all the demons of remorse. Stake after stake gets into prison, and still the rake is as ready for its work as ever. Here one, quite unmanned, cries like a child; there another sits with folded arms, drooping head, and eyes fixed on vacuity, as if he were turned into stone; another, tearing his hair, gnashing his teeth, and dashing his head against the walls, hurries out of the saloon, and the report of a pistol proclaims that he has gamed his last. You turn away and escape, muttering curses at those by whom those deeds are done, nor can you exempt those by whom they are *permitted*.

Roulette is even more summary in its operation,

and more complicated in its nature than the game of which I have given a brief and imperfect, but by no means overcharged, outline.

Roulette is played on a table somewhat similar to that used for *Rouge et Noire;* but the apparatus and marking of the table are different. In the middle of the table there is placed a wooden bowl, which has a metal bottom, pierced with thirty-eight holes, in which numbers, from one to thirty-six, and a 0, and a 00, are painted in red and black alternately. To this movable bottom several arms are attached, and by pressing upon a cross on the top of the axle, it may be put into very rapid motion, by means of machinery which is contained and concealed below. Upon each end of the table, the thirty-six numbers are arranged in three columns of twelve each; but the natural order of the numbers read across the columns. At the top of each set of numbers are marked the 0 and the 00, and there is a blank square at the hollow of each column. The bank is displayed to tempt the cupidity of the players, the same as at *Rouge et Noir*, and the stakes are laid upon the divisions of the table, according to the hazard which the player may choose to take. The game is decided by the manager putting the machine into motion, and dashing into it an ivory ball, which, by the centrifugal force and the disturbance of the arms, con-

tinues to start about the bowl in a very irregular manner. While it is doing this, the players place their stakes, and when the machine is about to stop, and before it can be seen where the ball is to settle, the manager calls out that the play is made, and forbids the depositing of any farther stake. When the machine stops, the ball has settled in one of the holes, and upon that depends the decision of the chances. These chances are seven. *Les nombres* on the two ends of the table, *l'impair*, *la manque et le rouge* on the one side, *le pair*, *le passe et le noir* on the other.

L'impair wins, if the ball falls into a hole with an odd number; and *le pair*, if it falls into one with an even,—the gain being double the stake. *La manque* gains, if the ball falls into a hole marked eighteen or under; *le passe*, if it falls into a higher number. *Rouge*, or *Noir*, gains when the ball falls into a hole of its colour. The gain is the same as in the former case; but if the ball falls into 0 or 00, the stakes on these chances are lost.

When the player stakes his money on the number, he may do it on one number, or two, a whole column, or any number of them that he pleases; and if he wins, he gets thirty-five times his stake on a single number, or if on more than one number, he gets the sum which results from dividing thirty-

six times the stake, by the numbers: thus, if he lays money on two chances, he gets eighteen times the stake, and if he lays it on eighteen chances, he gets double the stake. Playing on a single number holds out the greatest temptation; and a thoughtless person, who hopes to make money by play, will stake ten pounds in hopes of winning three hundred and fifty in a minute or two, much more readily than he will stake the same sum on eighteen numbers of the same machine, in the hope of getting twenty pounds. The men of the hells are aware of this, and so have made the odds against the player much greater on one number than in any other case.

It will be observed that there are thirty-eight holes in the revolving plate, while thirty-five are allowed for the single number, and thirty-six for the others. The advantage to the table and against the player is therefore rather more than *one in thirteen* on the single number, and *one in eighteen* upon more numbers than one. So that, whatever may be the average stakes, the table is certain in every fourteen times' playing to sweep away the whole on the single numbers, and in every nineteen times to sweep away the whole on the others. Every time, therefore, that a sum is risked on a single number, above seven per cent. of

it is gone; and every venture upon more than one number is at a loss of more than five per cent. With eager hands, about three minutes are, I believe, enough for playing a game at *roulette;* and thus, whatever may be the sum which the player risks, on the average, he is certain to lose it to the table within the hour. It may be, indeed, that he is "lucky," and that the loss may fall mostly on his fellow-players, or that he may be in pocket; but as "time and chance happen to all," if he continues to play, his turn will come, and the sure per centage to the table will, in time, and that in a very short time, consume both his gains and his fortune, however large. The yawning gulf of a *roulette* hell, is bottomless as that pit of retribution of which it is so proper a type; and he who escapes from the more slow torment of *Rouge et Noir*, may soon find reason to bemoan himself with the fallen angel—

> "And in that lowest deep, a lower deep,
> Still threatening to devour me, opens wide."

Let us suppose that a party of players take with them to a *roulette* hell the sum of twenty thousand pounds, and begin play at eight o'clock. At first they resolve to be cautious, and stake only two thousand pounds among them. The losses

and gains fluctuate, but, upon comparing their moneys at nine o'clock, they find they have only eighteen thousand among them. Amazed at this, and finding that caution does not save them, they double, and *martingal*, till the stake runs up to eight thousand. Gain and loss fluctuate as before; but, when they come to count their money at ten, it is all gone but two thousand. With that they make one attempt more. It fails. Their own money, and money *not* their own, has vanished. They cast one last and agonizing look upon the infernal machine; and, having no more of which to be spoiled, they are turned out of the den, and "plod their weary way" to the three final asylums of gaming—the Gazette, the Madhouse, and the Inquest-room. So passes the golden dream of avarice and folly, for the sad awakening of incurable woe—woe with which reason cannot sympathize, and to which commiseration cannot administer.

Such are scenes of nightly occurrence at the Babylonian hells; and for such she well merits the name of "the mother of all abominations." That there are, in her population, permanent as well as occasional predisposing causes to this ruinous vice, cannot be disputed, by any one who has observation and reflection. The abomination of

the Stock Exchange, glossed over as it is with a colour of business, produces in the mercantile classes a favour for gambling of all kinds; business itself is, in many instances, a lottery;—betting upon all subjects, from the probable termination of a natural calamity, down to the result of a brutal combat between two bull-dogs, or two more savage animals in human shape, surrounded by myriads of thieves and pickpockets; "the wit of cheats;" the courage of villains; the restless torment of those "who know not what else to do with their time;"—these, and many other incitements, which will suggest themselves to the reader, help forward the vile delusion; and enable the offscourings of society—creatures of whom the hulks and the gallows have been defrauded—to become first the associates, then the patrons, next the tyrants, and ultimately the heirs and successors to those who, from a long line of ancestors, unfortunately for themselves and their country, inherited the largest fortunes, the most ample domains, and the most princely mansions in England. And all this happens, and every body that has eyes to see, and ears to hear, knows that it happens; but, "in the multitude of matters," it somehow or other escapes that retribution which falls with unerring justice upon minor enormities. To investigate

the cause belongs to others than me; and therefore I shall content myself with quoting the adage:

> "Who slays a man, in his own cause,
> Is felon, forfeit to the laws:
> Who, causeless, mows a million down,
> Is hero, deck'd with laurel crown."

CHAPTER VIII.

BABYLONIAN PIRACIES.

" Leave not a foot of mire, a foot of stone,
A page, a grave, that they can call their own."—POPE.

WHEN the Babylonian, fatigued by the morning's business, and yet more by the evening's repast, sits down under the dominion of those "azure-vested imps," who are apt to come in at the end of a feast, and dwell with him who has had the goodliest share, and attempts to steal from their society by the oblivion of a sleep, it may be that he chooses, as the well-known opiate for the purpose, that surest of all soporifics, a book. If that book shall unfold the "travel's history" of some adventurer in climes far remote,

" Wherein of antres vast, and deserts idle,
Rough quarries, rocks, and hills whose heads touch heaven,
It is his bent to speak;
And of *the Cannibals that eat each other—*
The Anthropophagi, and *the men whose heads*
Do grow beneath their shoulders—"

if he shall there read of the Dog-ribbed Indians, on the slopes of the stony mountains, making a meal of their captives, because it is the fashion; or of the natives of New Zealand eating the bodies of their enemies, all for the salvation of their souls—just as piously as the Inquisition burns heretics for the same holy purpose;—he will be very apt, as he yawns upon the closing volume, and leans back upon his easy chair, in order to give scope to the "welt'ring tide" of the feast, to bless himself that he lives in a land of tender-heartedness and turtle, where man, having abundance of other provender, has no need and no desire to make a meal of his fellow!! Having thus felicitated himself, he falls into such slumber as deigns to visit man under his circumstances; and, as "when the stomach must labour, the spirit cannot rest," his ideas drudge at a dream as to how he shall turn to his own profit an invention, or a discovery, that has been made by another.

The fact is, that had the Bard lived in these our times,—and probably the times in which he did live were not very different,—he would not, he could not, have required to send his hero to travel even so far as the great Lord Mayor Venables did, (as hath been most emphatically said and set forth by his worthy and appropriate chaplain,) to find either the "Cannibals that each other eat,"

or the "Men whose heads do grow beneath their shoulders;" for he would have found plenty of both, and both, too, often in the same individual, within the sound of that brazen monitor which called back the illustrious Whittington to make his fortune, "also," and in all probability "likewise."

So far as concerns those "whose heads do grow beneath their shoulders," I have not much to say, farther than to establish the fact of their existence as among the marvels of the Babylon. Now toward the establishment of that fact, there come two demonstrations, the one grounded upon the substantive "head," and the other upon the predicate "grow." "Head" applies not so much to that which is farthest from the centre of gravity, as to that which is most worthy of, or receives, the chief attention: as, when we say "the head of a college," we do not mean either the topmost pinnacle of the building, or the "fellow" who has the greatest cranial endowments; but that "member" to whom all the other members first and chiefly minister. Now it is palpable to any one's observation, that the real head of a man, a warm and important man of Babylon, that to which all *his* "members" first and chiefly minister, is his stomach; and this head, as the anatomists write, is invariably found "beneath the shoulders." When

all the members do homage and service to the stomach, and thus constitute it the head, that part of the man which accident has placed at the greatest distance from the feet, gets a new name altogether, and we say "the top" of Alderman or Deputy So-and-so. In proof of this, one may appeal to the peculiar language of the Babylon, in which the true appellations of things there are, of course, most correctly given. The common covering of the upper part of a man is, in that elegant language, called "a topper," and not "a header;" and therefore that which it covers, must be *a top*, and not *a head*. If "top," from its also implying a "rotatory engine used by boys," should be objected to, as insinuating against the gravity and stability of a Babylonian citizen, fashioned upon the model of the Apollos of Guildhall, the "vertex" may be substituted, and is indeed both corporally and intellectually the better word, inasmuch as it indicates the position just as well as top, and superadds a most clear and specific description of the thing posited. "Vertex" implies that the top is small, as compared with the inferior parts; and taking a citizen after the model aforesaid, from the *sacral aspect* to the vertex, he has both corporally and mentally all the form and stability of a pyramid, of which the top is, by accurate writers, always styled the vertex. Here again there is a collateral

confirmation; when the fumes of a city feast ascend from the head to the top, they produce an uneasy sensation, which is called *vertigo*, clearly proving that the top of such a personage should always be designated the vertex: such and so conclusive is the argument from the substance.

That from the predicate will not detain us long. Shakspeare says, that the heads "*do grow*," and farther he says, that they are "*men's* heads." Now taking for "the head" that which has been proved to be "the vertex," it cannot be maintained that the heads of *men grow*, in the proper sense of the term. The *vertex* ceases to grow corporally everywhere when manhood is arrived at, and it ceases mentally in the Babylon a good deal earlier. The stomach grows largely, however, both in size and importance; does not begin to grow preeminently until manhood be arrived at, and then grows in both senses, very much in the proportion of the man's importance in himself and in the city. It is true that the adult Babylonian vertex is subject to a certain *extraneous* increase, from the adhesion of a cornuous substance; but the operation by which that is produced, is not (*Crescere*) "to grow," but (*Germinare*) "to sprout," or probably from the passive voice of the latter verb (*Germinari*) "to *be* sprouted."

Against "the men whose heads did grow be-

neath their shoulders," with whom Othello met in his travels, nothing bad is said. That they were a little grotesque in their appearance, nobody who believes the story will deny; and it may be shrewdly hinted, that the knowing old hero introduced them for the purpose of better setting off the charms of his own person to the fair Desdemona. Or if he had another motive, it must have been to conduce to the same effect by the contrast which these ungainly gentlemen found with "the Anthropophagi," of whom no personal deformity is alleged, but who were, nevertheless, represented as so deformed in their minds, that they "did each other eat." Othello puts these monsters of feeling before the monsters of form, in strict accordance with that admirable tact and generalship, by which he took "the circumcised dog" by the beard ere he smote him, and secured the admiration of the lady before he made any application for her love. The former suitors of Desdemona, as being Venetians, must have had the advantage of the Moor in complexion, and also in features, (though, by the way, the Moor has no claim to the black face and the woolly wig in which his mimics make their appearance upon the stage;) and thus it was wise in him to hold up those, against whom he could take no personal exception, to the dislike of the lady, before he

came to touch upon those who may be presumed to have been, in appearance, much more similar to himself.

With regard to the men with the "gastral" heads and the Anthropophagi of the Babylon, there is no need for this caution; for we have experience and Shakspeare upon our side when we say that "thick-ribbed men are kind-hearted; and that when the form is thin and sharp, it is apt to cut."

The Babylonians, formerly noticed, the "men whose heads do grow beneath their shoulders," may sometimes excite a smile, but one likes them all the better for that. One feels wonderfully safe and wonderfully happy among them. They are all men who are "well to live;" they do their business fairly and honourably; and as they like to live themselves, and upon themselves, so they wish that others should live too. They are harsh to no domestic, they are unjust to no equal, and they bow and cringe to no superior. Ask their aid in an ordinary case, and they will give or refuse it frankly, without showing the patron in the one case, or the churl in the other. Ask them in a case of extremity, and let them have but one convincing glance that you are not an impostor, (a character which above all others they cordially and constitutionally hate,) and their pro-

tection is to you a perfect shield. Continue to sustain a fair and honest character, and their friendship nothing can shake: even behave ill, and though they dismiss you, they will not persecute you; they will give you your hint "more in sorrow than in anger." Such are "the men whose heads do grow beneath their shoulders;" and when you have studied them long and attentively enough for knowing their real characters, you cannot help wishing that all men's heads could be made to grow after the same fashion. I have made many inquiries (and as neither the class collectively, nor any individual of it, either has done, or is at all likely ever to do me good or evil, I cannot see how I can be biassed one way or other,) and I can find it no where remembered or recorded, that a genuine fat Babylonian, of the class to which I allude, ever invaded the right, or possessed himself unfairly of the property, of a single individual. It may be true that, as members of "corporations," great or small, these very men may not merely overlook, but engage in jobs, misapplications and mismanagements. That, however, does not make much against their characters as men. Who ever predicated virtue and purity of a corporation? The word is, in fact, so nearly allied to corruption, even in orthography, that we have only to change one letter,

transpose another, reject a third, and they are the same. If this were done, each would have much the same meaning as at present.

But whatever of real respectability and substantial worth these men may give to the Babylon, there is another and an opposite class, not so influential as individuals certainly, but probably more formidable from their numbers and their arts, by whom it is as much deteriorated. These are "the Anthropophagi," who, though they generally prove too tough for "each other's" mastication, yet find their chief subsistence in eating up the rest of society; being in fact a more desperate, despicable, and destructive species of man eaters than any that are found in the world, or fabled in story. They do not indeed literally eat the flesh of their fellow-men after life is extinct, but they tear and gnaw it off their bones while they are alive; and this is far worse, because in the one case the victim feels neither the insult nor the agony, while in the other he is keenly alive to them both. If some truth must be conceded to Shylock when he says,

> ——— "You take my life,
> When you do take the means whereby I live,"

there must be equal truth in the parody,

> ——— "You eat my flesh
> When you do eat that whereon I should feed it."

It has often been attempted to sum up the total of the persons who, almost houseless and destitute, yet contrive to live upon the folly and the gullibility of Babylon "by their own wits." But no attempt has been made to sum the total of those who without wits of their own, yet contrive to live (at least for the day which "every dog has") in apparent wealth and comfort "upon the wits of others."

That this class is very numerous any one may observe, and that it has the most baneful and mischievous effects both upon the comforts and the morals of society, every honest man who happens to have wits capable of producing any thing valuable, — any thing which can be pilfered or pirated with a chance of profit, feels to his cost.

In every profession and trade within the Babylon, even down to the low vocation of pun-making, there are two sets of persons: one set who set about the profession, the trade, or the work, whatever it is, in honest faith and good earnest,—who are solicitous that that which they bring to the general mart of society, and in return for which they expect to obtain subsistence or fortune, or fame, as it may be, should be in substance, in fashion, or in both, according to the nature of the article, their own; and another set whom nature has either not endowed with talents

adequate to the invention or the construction of any thing original, or to whom she has refused the industry and honesty requisite for turning those talents to profitable account. These constantly dog the others, and when any thing new in idea or execution, which bids fair for yielding a profit, makes its appearance, they appropriate it openly and boldly if the law will allow them, or, if the law forbid, they retain the substance, the valuable part of it, and so alter and debase it in form as to keep themselves without the statute—which in matters of this kind is neither very broad nor very clear; and if it be impossible to keep without the statute, and yet steal the valuable part of the discovery or work, some substitute is found, whom it is impossible to punish by fine, and who cares not though he should be sent to prison. He acts as the scapegoat of a richer villain, and receives a scanty share of the gain as the wages of his prostitution.

What the matter is makes little difference, except in the mode in which the piracy is conducted. If we, perhaps, except the abstract sciences, philosophy, and the higher departments of the fine arts, the Anthropophagi scour the whole field, and turn every thing to their purpose. Literature, arts, manufactures, modes of cleaning bonnets,—all are alike, for thieves to steal and re-

ceivers to vend. A man of genius, for instance, after much and painful study, produces a book in which there is something original and interesting. Instantly the plunderers are on the scent. If the author has a name, and the book will abridge, snap go the scissors, an abridgment is hashed up, and the name of the author is made use of for the purpose of cheating him out of the reward of his labour. If the author has no name, and the substance of the book be still worth the stealing, it is hashed up in a different form and with another title, and the name of some Doctor, or Esquire, or haply of some priest of most "Unholy Orders," is placed rubric as the veritable author. If neither of these modes will do, then the best parts of the book are purloined, under the pretence of reviewing the work. When the spoiler has had his quantity, he abuses the rest and libels the author; and thus promotes the sale of the garbled piracy, and in the same breath tries to ruin the future success and fortune of the very man upon whom he battens, and whom without having plundered, he himself could not have existed. There is another species of piracy which, to a man of acute feelings (and the feelings of men of original talents are proverbially acute,) is much more cutting than this. It is when the man is left with the glory, but wheedled out of a considerable part of the gain, under the cloke of hy-

pocritical friendship,—when one man pretending to be literary, and having the externals of literature, (for without these he cannot practise his craft,) flatters another, and draws lamentable pictures of the impositions which booksellers, cunning men of the world, practise upon the moody, simple, unsuspecting, and withal needy, men of the closet and the quill. But he—the dear generous soul!—knows their wiles; and though he does not practise counter ones, except as against booksellers, he can play with *them* at their own game, and beat them for the benefit of genius, which is so constantly and so cruelly imposed upon by these harpies. When you hear a man making such speeches and protestations, avoid him as a pestilence. Though he should have the faculty of making nonsense verses, telling a tale of nature, all so unnatural, or stringing up the onions of criticism on a packthread, depend upon it that his cranium and his thorax are as hollow as drums, and that there is not a drachm of brains or of heart in him. The man who purloins the matter of your book, pays you a compliment; but he who, under the pretext of saving you from the claws of a bookseller, puts perhaps the half of what that bookseller gives him, and would have given you, into his pocket, injures you in a way that leaves you no consolation at the time, and lowers your own estimate of your talents

to the part of the price which it pleases him to give you. Such articles are nuisances, filthy nuisances; shun them; uncloke them, hold them up to scorn and ridicule; and if you have any literary dealings—go to the fountain-head.

If it be an invention of the arts, it is first taxed at the Patent-office for more than the inventor can hope in the end to make by it (as mechanical inventors are, almost of necessity, men of slender means, in consequence of the time, expense, and abstraction of mind, necessary for mechanical invention); or if it escape the Scylla of the Patent-office, it generally falls into the Charybdis of some knave, whose want of powers of mechanical invention have given him scope for becoming an inventor of another sort.

Is it something new in manufacture—some choice pattern or fabric, in furniture, printed cotton, silk or the like, which is the result of many trials and much expense,—it avails not; for the moment that it is exhibited for sale, the imitator is on the watch, and buys, begs, borrows, or sometimes procures to be stolen, as much as shall enable him to produce something which, to an ignorant eye, may appear the same. It is needless to pursue the revolting delineation farther: it runs through the whole. Whatever may be the kind or use of the genuine and fairly-produced commodity, if that commodity

be likely to produce a profit, there is sure to be an imitation; and unless the genuine commodity be in the hands of a rich and long-established firm, the imitation, how much worse soever it may be, is sure to draw the profits. It is sure to do this, because it costs less, as the making, the material, or the thing ready made, is stolen, and as such can be sold cheaper; and also, because the vender, who is furnished upon those easy terms, can afford to advertise, and puff more than the other, and, from his character, will not confine himself to the truth. Those spurious articles, too, being produced by fraud and not by ingenuity, and "coming cheap," address themselves to the cupidity of a very large portion of the people. To buy cheap is a general maxim, both with the needy poor and the saving rich; and, as sound knowledge, even of the quality of the things bought, cannot be ascribed to the majority of either class, their translation of "buying cheap," is "buying for little money." They get into this habit; and they continue in it, and thus, as they have not the means of comparing the utility and durability of these *cheap* purchases with those of the *dear* ones at the depots of the fair and first-rate dealers, they lose sight of one grand element of their economy,—namely, that the smallest price may be repeated till the sum of the repetitions shall exceed the greatest. In this way the

ultimate encouragers of the piracy draw upon themselves their own punishment; but, as they do not see, it they cannot learn wisdom from it.

The mischief which this class of persons do in society, and for which there does not appear to be any remedy in the existing law or police of the Babylon, is far greater than that which is done by the persons who "live by their own wits," against whom so much has, not without justice, been said. One great difference is, that they who live by their own wits, live by plundering the idle and the foolish; while those who live upon the wits of others, live by plundering the industrious and ingenious. Wherefore, in as far as industry and ingenuity are better than idleness and folly, in so far is an injury done to the one class more hurtful to society than an injury done to the other. But when the idle and the foolish are duped and cheated, there is some chance that that very circumstance may teach them a little wisdom, experience being, proverbially, the only school in which fools can be taught. In this way, preying upon them may really add something to the wisdom of society. But to prey upon those whose faculties are already in a state of the utmost excitement, while it can teach them nothing that can add to their exertions, can hardly fail in dispiriting them, and making them slacken these exertions. Wherefore again, while the mischief done

by those who live by their own wits may produce a small reaction of good on the part of those upon whom their wits are practised, the mischief done by those who live upon the wits of others, can produce upon those from whom the honest reward of the wits is stolen, nothing but unmixed evil.

That the laws of England, which evince so tender a regard for property, even as contrasted with liberty or life, should be powerless or indifferent toward the most valuable of all property—the property that a man has in those powers which he receives immediately from his Maker, would, at first sight, seem anomalous and contrary to their general tenor. One would naturally suppose that laws which forbid the touching of a man's goods, and yet allow his person to be locked up among felons for a debt of a few pounds, and that debt too, it may be, falsely sworn to; and which under certain circumstances make it a much greater crime to take a penny out of a man's pocket than to take his life; would be up in all their terrors, and denounce their heaviest inflictions upon those villains who should go about to steal, and sell openly when stolen, the very industry of the people. When, however, one comes to consider the kind of property to which the laws give this abundance of protection, one finds there is no anomaly and no contradiction in the case; they have never legislated

in favour of the productive power—the whole of their attention has been directed to the thing after it has been produced, without any regard to the producer. They have been attentive to the eggs, as it were; but they have not watched and fed the goose.

Now, if there be any one kind of property to which the possessor is more entitled than another, and which, consequently, calls more for the protection of the law than any other, it is the property which a man has in the inventions of his head or the labour of his hands. This is obvious for two reasons: first, because it is more strictly personal, more intimately identified with the possessor, and more dependent upon him for its existence than any other property; and secondly, because the possessor is less in a condition to protect it from thieves, and less able to detect and recover it when stolen. Upon these grounds, justice to the individual calls for some remedy at law, and calls for it in such a way as that it may operate without the interference of the injured parties themselves. But besides these demands of natural justice, there is a claim on account of society; for as he who discovers or invents any thing pleasurable or profitable, always communicates to the public more service or gratification than he himself can possibly, as an individual, receive in return, it follows that

when the inventive and constructive powers are paralysed, as they must always be when the owners are deprived of their fair reward, or of that fame and reputation which are dearer to them than any reward, the public are always the sufferers, and sufferers to a far greater extent than in any other theft or robbery that can be named. Think of poor Dodd the engineer. If he had got the honour of his inventions, and but the hundredth part of the pecuniary reward,—the profits which have been actually realized, and that too with benefit to the nation—think you that he would have been lost to society, driven to madness by starvation and neglect, and compelled to find "a place to die in," in the cold and inhospitable infirmary of a gaol? Ah no! had there been but a trace of justice—one touch of equity (I do not mean a Chancery suit) in the case, Dodd would have been alive in honour, enriching the country by his talents; and some (whose names I *could* mention) would have still been at their original and appropriate vocation of the shovel and the hod. There is no saying how many Dodds annually perish within the Babylon, from the single fact of there being no law to prevent them from being eaten up by the Anthropophagi, and the incompatibility of watchfulness on their own part, with the vigorous performance of their more publicly important and valuable functions.

In support of the propositions enumerated in the last paragraph, it may not, perhaps, be improper to offer a few remarks—the more so, as the subject is of greater importance than, judging from the neglect that it has met with, both from the legislature and the press, seems generally to be believed. It may without much chance of contradiction be assumed, that the ostensible basis of all restrictive legislation is the protection of the weak against the strong—whether the strength of the latter consist in power, cunning, fraud, or any thing else. I do not pretend to say that this is the *actual* basis; because I am unwilling to give a dogmatical opinion on so very profound a subject; but still we may assume it for the sake of binding together a few loose observations respecting the property of inventions, the power of the inventor to protect that property, and the consequences to the public when it is not protected.

First. The property which a man holds in that which he, of his own skill or labour, invents, discovers, or constructs, is much more intimate and personal, and therefore ought, in justice, to be held much more sacred and inviolable, than any other property whatever.

To perceive the truth of this, we have only to observe that the real right which any man has to any thing in his possession varies with the

means by which that possession was acquired. But other than making the thing possessed himself, there is no personal means of acquisition. If the thing be "heritage"— that is, if he succeed to it as the heir of its former possessor, though he may have a legal property in it, he can have no personal property, because he has not in any way conduced to its existence or production. The right to that which a man purchases, resolves itself into the means by which he came possessed of the price. If that price was heritage, so is the thing bought for it; if that price was accumulated by any means of fraud or unfair dealing, the possession of the thing purchased by it is so far fraudulent, and has no foundation in natural justice, whatever it may have in enacted law or established custom; and therefore it is only when the price is the reward, or can be resolved into the reward, of equivalent service done to society, that the natural property in the thing purchased is complete and pure. Now if we take any ordinary object of possession, as a title, an estate, a house, an article of furniture or apparel, or a sum of money; any thing, in short, the stealing of which is felony by the statute, there is no knowing how possession of that thing was obtained. For aught that the administrator of the law may know about the matter, it may be heritage, it may be fairly or

fraudulently purchased, or it may even be stolen; still, as the person who by the discovered theft has been deprived of it, was in unquestioned possession of it, the only course that the law can follow, is to consider him as having a complete property in it, and punishing the party who, without the will of the proprietor, goes about to deprive him of that property. Here the law proceeds fairly enough as to the injustice of the thief, but there is always a want of clearness as to the justice of the other party; for if there be not, then the man who is robbed of that which he has just stolen is as much injured, as he who is robbed of that in the production of which he has extended his skill, his time, or his money. In both these cases the thief is equally guilty; but the persons from whom he steals are in very different predicaments, and the object of the law, as respects their regaining possession of the property in question, should be just as different. The law should have guarded the possession to the honest possessor, should have prevented it to the felonious one, and if it failed in vigilance there, it ought to find him out and bring him to punishment. In the possession of that which a man invents, or discovers, or constructs, there can be none of this uncertainty, and therefore the law is bound, preeminently to secure to him

that to which his right admits not of the slightest doubt.

The maxim arising out of this argument, and which should form the basis of any practical legislation intended to meet the justice of the case, is, "That any invention, discovery, or construction, of which any man can satisfactorily prove that he is the inventor, the discoverer, or the constructor, should be held to have been taken from him feloniously, unless it can be as satisfactorily shown that he parted with his right of property in it, for an equivalent with which he was satisfied at the time."

Secondly. The inventor, the discoverer, or the constructor, stands more in need of the protection of the law; because, from the very nature of his pursuits, he is himself less able than any other person to protect his property.

The truth of this proposition might be argued upon two grounds,—the constitution or temperament of the persons to which it refers, and the way in which they are, of necessity, occupied. There can be no invention or discovery without a corresponding quantity of what is usually called *genius*:—which, whether it be a different modification in the original formation of the mind, or a habit induced, of the cause of which no notice has

been taken, however it may serve as a shuttlecock for the metaphysicians, does not affect either the philosophy or the practical management of the case. Now this same genius (when it does not turn itself to the circumvention of the rest of mankind, and then it is called "evil genius") is both a wayward, and, as respects the common business of life, a helpless thing; and he whose only object is that his children should be rich and prosperous in the world, should pray earnestly that the bar of genius may not be drawn across their way. It is true that fools and idlers often assume carelessness of themselves and their concerns—their external concerns; and therefore all that are anomalous from the common tract of thrift and cunning, are not to be allowed the plea of genius; but this assumption of the external indication, confirms the fact of its existence. Nor is it at all difficult to see the cause: sterling genius is rare, much rarer than is generally supposed; and therefore the machine of society is not, in any way, formed upon its model; so that whenever it must leave its own fancies or abstractions, as the nature of the case may be, and come in contact with society, it is raw and untutored,—knows nothing of the forwardness of the fool, or the trick of the knave, and so it is always over-reached. The Babylon pre-

sents numerous instances of this. Go into any class, or any profession, or establishment, and, if the genius be of the purely mental kind, you always find the man who possesses it, poor, and in a subordinate situation. The snail can crawl up the pyramid, and support itself by that, in its ascent, from the adhesive quality of its own slime: the eagle can do no such thing. It may bound up by the power of its own wings, but it cannot ascend by crawling. Just so with those who want genius, and those who have it: the latter cannot crawl; they, if they are to rise at all, must do it by the elasticity of their own wings; and in the Babylon, as well as in other places, there are always plenty of *trimmers* who can keep them clipped.

But, besides the constitutional inability of persons of this description to watch over their common interests with the same vigilance as men of the ordinary cast, they are farther disqualified by the nature of their pursuits. How much soever it may suit the purposes of every-day men to say so, discovery is seldom the result of accident, and invention and execution are never. These things do not, like Falstaff's treason, "lie in a man's way and he finds them;" they are all, if they be worth any thing, the results of long and careful study in the one case, and of patient and laborious

practice in the other. The whole mind must be wrapt up in them; and he who distracts his attention by considering how he is to hedge the profit, will never add much to the stores of society. Upon these grounds, and upon many others, that could be adduced in theory, and confirmed by facts of hourly occurrence in the Babylon, it is manifestly the duty of the legislature to afford to that property which most unequivocally belongs to the possessor, the most complete protection against pillage. But at present so completely and so universally, indeed, is genius overreached by "the scoundrel cunning of a mind at large," that it is doubtful whether the legislature should not do something to prevent those whose productions have established that they possess genius, from being duped and over-reached in what, among men equally armed with artifice, would be accounted fair dealing.

For this there is a sort of precedent in the law of these kingdoms, though some contend that, in that case, the evasion of the statute by other means makes matters worse than if the statute were not in existence. The necessitous man, who wishes to borrow money, (whether the necessity be the consequence of misfortune or imprudence) stands in a worse situation in regard to the rich man who has

the money to lend, than he who goes to purchase any other commodity; and therefore the law steps in for the protection of the man who has the disadvantage, and says to the other, "you shall not demand for the use of this money more than five per cent. per annum." Now upon the principle of protecting the weak against the strong, which has been assumed as the basis of legislature; and upon the established fact of the inequality between a man of abstract genius and a cunning man of the world, when they come to make a bargain, as strong a case for the protection of the law to the former is made out, as that upon which the statute against usury is founded.

Thirdly. The protection of the law to the parties, and in the cases alluded to, is demanded in behalf of the very best interests of the public. In proof of this, the reader has nothing to do but look at the Babylon itself. Once it was the fenny margin of a frowzy stream, upon which, haply, some half-dozen of savages shivered out a life of misery in wigwams inferior to those of the American Indians. It is somewhat different now; and that difference is solely and exclusively owing to invention, discovery, and execution; to the operation of those talents of which the Anthropophagi are daily and hourly swindling the possessors, without any

shadow of a remedy at law. Ought such a state of things to be? Let those who have the making and the amending of the laws answer; and, until they shall do that, justly and satisfactorily, let all honest men join in setting upon the Anthropophagi that brand which their villany and their meanness so well deserve.

CHAPTER IX.

BABYLONIAN THEATRES.

"He look'd, and saw a sable sorcerer rise,
Swift to whose hand a winged volume flies:
All sudden, gorgons hiss, and dragons glare,
And ten horn'd fiends and giants rush to war.
Hell rises, heaven descends, and dance on earth
Gods, imps and monsters, music, rage and mirth,
A fire, a jig, a battle, and a ball,
Till one wide conflagration swallows all.
Thence a new world, to nature's laws unknown,
Breaks out refulgent with a heaven its own:
Another Cynthia her new journey runs,
And other planets circle other suns:
The forests dance, the mountains upward rise,
Whales sport in woods and dolphins in the skies.
Yet wouldst thou more? In yonder cloud behold,
Whose sarsenet skirts are edged with flowery gold,
A matchless wight: His nod these worlds controls,
Wings the red lightning, and the thunder rolls.
Angel of dulness, sent to scatter round
Her magic charms o'er all on classic ground.
Immortal ——! how calm he sits at ease,
Mid snows of paper and fierce hail of peas;
And, proud his mistress' order to perform,
Rides in the whirlwind, and directs the storm."

"Here lie poor Shakspeare's half-eat scenes, and there
The fripp'ry of the crucified Moliere.' POPE.

A TEMPORARY sojourner in the Babylon, who has feasted the livelong night upon the matchless

dainties of Shakspeare; who has gone with his friends to laugh at the histrionics of the village barn, or the borough theatre, and who has occasionally seen one of those stars that occasionally start or are projected from the Babylonian zodiac toward the polar regions of the provinces, usually has the theatres noted down among the first and principal subjects that he is to see, and report for the edification of his female cousins. If, however, he happen to have as much theatrical knowledge as to discover the mere architecture of a play-house, (the evening's bill and the morning's newspapers will give him the cast and the criticisms,) and if he be possessed of good taste and sound moral principle, he had better draw a little upon the latter, by following the counsel which Sheridan gave his son about the coal-pit, into which he was to descend for the mere purpose of saying he had been there. "Why can't you say so, Tom, without going? the descent will dirty you ten times more than the lie." Indeed, it would require no small depth of arithmetic to sum up how many lies of this simple description would be required to fill up the same measure of contamination, which might be the result of an innocent and unsuspecting rustic's visiting the dens of the Babylonian drama; and a coal-pit, or any other pit on this side the grave, is both a more rational and a more

safe place of amusement, than the pit of any, especially of what are called the national playhouses. In going there, there is every chance that a stranger shall be jostled and robbed; when there, all that is before him is sound and sight, without sense or sentiment; and when he escapes, if he be not aware of the Babylonian abominations, he may be landed in a place where, if he be fortunate enough to escape with life, it will be with empty pockets and bruised bones; and if he do not pass away quietly under his misfortunes, the guardians of the public peace and morals, who have been the while chatting most familiarly to, and striking the hand of intimate fellowship with, characters of the most worthless, loose, and abandoned description, may lock him up among thieves for the night; and ere one week has passed away, his friends, even at the remotest part of the island, may have him served up to them in print, as an outrageous breaker of the laws, though all of which he has been intentionally guilty is going to a theatre, the morality of which pretends to be protected by the patent of the King, or at any rate by the licence of the Lord Chamberlain, and, after suffering the fatigue and pressure of that, endeavouring to get some refreshment in a place, which, from its own appearance, as well as from the dress of the crowds of both sexes that were thronging to it at the same time

with himself, appeared to be of undoubted respectability.

In attempting even a sketch of the *materiel* and *morale* of the Babylonian theatres, (a full description would be difficult to write, and could not be read,) there are two difficulties to be encountered—the theatres themselves, and the means of getting at them, and in neither is there much room for congratulating the Babylonians, either in the way of morality or in that of taste. The approaches are nuisances of the very worst description; the adjuncts to the theatres are equally so; and then, as for the exhibition, it "palls upon the sense."

Wherever a great crowd is of necessity collected in a narrow thoroughfare, or where a throng assembles, gaping at any wonder, or struggling to get entrance into any place, be it palace, church, court of justice, playhouse, execution, spectacle, or any one place, or event, or occurrence, of business or amusement, joy or sorrow, there the confederated and well-organized thieves of the Babylon resort, not merely to glean a few ears by stealth after the harvest, but carry off sheaves and shocks, wholesale and by main force.

At all the theatres there is the enticement of a crowd, and a crowd too of the very worst description, but adapted for the successful machinations of those who empty the pockets of the whole peo-

ple, and those who deprave the morals and ruin the health of the young, the careless, and the silly; and at the "*national*" theatres, Drury and Covent-garden, the approaches are numerous, narrow and filthy, and they are so *anastomosed*, ramified, and united, by courts and lanes and alleys, in which a thief can almost instantly elude the pursuit of any one, and especially a stranger, that one would almost be tempted to believe that the said theatres had been placed in such a spider's web of iniquity, for the sole benefit of thieves and blackguards. At any hour of the night, or almost at every hour of the day, these approaches to the national houses of the regular drama are so disgraceful, that no person who is ignorant or unprotected, can pass them without danger, and no person who has any delicacy can pass them without disgust. At the entrances of the courts and the doors of the low public-houses, knots of characters are assembled of the most suspicious appearance, and, in a language which is generally unintelligible even amid the confusion of tongues in the Babylon, planning, no doubt, the campaign for the night. The females, who are to act as their accomplices, may be seen farther into the dens, by any one whose nerves are proof against the extremes of frowziness and filth; and, worse almost than these, there grins from out a mass of frippery, the hideous physiognomy of

the receiver of stolen goods. Some of these have, indeed, other occupations than plundering the "sons of Belial," who reel to the theatre at or after half-price; for the chief seat of inquisitorial justice is hard by; and the "*cordon sanitaire*" of crime within doors, and the "*corps d'observation*" without, are always in the close vicinity to watch and circumvent, or seduce the enemy, according to the policy that may make most for their cause.

That part of the corps which attends more particularly to the theatres, is rather of an inferior order; the prizes, though numerous, are small, and thus below the notice of those who, by their talents, have risen high in the profession of theft. Unless when there is a crush to get in, (and that happens but seldom in these times) they do not often proceed by violence, but content themselves by taking handkerchiefs, pocket-books, and watches, or enticing those whom folly has made stupid, or intemperance reckless, into the dens of their confederates.

As the evening closes in, and the hour of half-price approaches, the public nuisance arrives at its height; and the poor young victims of ruin—some of them not twelve years of age, and none of them above fifteen or sixteen, who have been left orphans, without "the key" of a charitable institution, have been stolen from kind parents,

sold by brutal ones, or been let through any of the numerous loop-holes with which the Babylon abounds, into the heedless but hopeless den of the lowest vice,—led in gangs by those "fiends in female garb," who pick up their filthy living by the slow moral and physical murder of these unfortunates, prowl and pollute every approach, till the ears of the passer-by are disgusted, and his heart, if he has any feeling, is sick. These are the outposts, or rather the guerillas of vice, who prowl upon the outskirts of the territory; and though their yells, when they are made drunk to give them confidence, and their cries when they are kicked and beaten by their inhuman mistresses, or even their groans when they are perishing of want and disease, may all be heard at the seat of inquisitorial justice; yet that justice, professing a polite and virtuous ignorance of *slang*—the language which publicly and officially it must hear the most frequently, is deaf the while, or occupied in hearing respectable persons making their defences to the most grievous of all charges—"that they would not move on when the watchman commanded them."

It would, perhaps, be unfair to charge the whole of these enormities to the account of the theatres; but through them must every visitor of those places pass: thus they form, as it were, the *epidermis*, and must, as anatomists say, "be divided,"

before one can come at the structural and vital parts. Nor is this all: for the theatres must be, directly and positively, the cause of a very considerable portion of the nuisance; for nuisance of the same kind, though different in degree, is found in the neighbourhood of all the theatres, not in the casual attendants, but in the character of the place. Some are of course better than others; and the freedom from pollution is always in proportion to the openness of the situation; but it may be laid down as a truth, which any man's observation may verify, that the neighbourhood of no Babylonian theatre is wholly untainted; and that which invariably draws vice toward it, cannot, in the nature of things, be pure. But, whatever influence the theatres may have in the production of the abominations complained of, it is not with the managers of those that the correction lies. Their province is to see that all is right within doors; and where they do that properly, they would, in as far as morality is concerned, discharge their duty to the public.

Even here, however, there is sad neglect, not to say immoral licence. There is a part, and a numerous part of the audience, which haunts and pollutes the saloons, and invades every part of the house in a manner that cannot fail of being revolting to all who have even a slight trace of virtue.

I do not mean to say that a certificate of moral character should be demanded of every one who pays money or presents a ticket at the door of a playhouse; but I do mean to say, that if the theatre be at all intended as a place of amusement for decent people—and a people so closely occupied with business during the day, and so incapable of any more intellectual pursuit to break the dulness of that, as the Babylonians, really need some sort of amusement like the theatre—then it is an offence against morality to the public, and unwise on the part of the managers themselves, to tolerate such characters as are not merely tolerated, but, if report—uncontradicted current report—says sooth, are encouraged at the national theatres. An almost unlimited number of women of the town are understood to be furnished with free admissions; and their presence in the saloons is said to contribute more to the ordinary audiences, than the characters that figure on the stage. Those saloons, which are fitted up in the most enticing manner, would appear to a stranger to be for the accommodation of the decent part of the audience —especially of females, whose health or comfort might demand a momentary absence from the warm and contaminated air of the theatre. No respectable female can, however, go there without being disgusted, and, in all probability, insulted, or even

maltreated; and there, too, a gentleman is liable to be accosted in the same way as in the streets; nor are the cyprians without their male confederates to jostle and rob in the event of a crowd.

Leaving the saloon is not a certain means of escaping from the pollution. Far from it; for unless the individual, or the party, engage a whole box, they may, for the whole evening, be compelled to hear language, and see gestures, which even ordinary delicacy cannot endure; and when the hour of half-price lets loose the thoughtless and untutored youth of the Babylon, the scene becomes loose beyond description. This half-price is, indeed, the grand curse of the theatres, the fertile cause of the profits of the depraved, both without and within the theatre. Giddy youths who have just left the comparative purity of the country, or shaken off the control of their parents, bands of persons who have quaffed themselves into a ripeness for being vicious, with those who hope to profit by these, throng into all parts of the house, and, by the irregularity of their conduct, sometimes render it altogether impossible to attend to the play. In some rare instances, when it proceeds to an outrageous height, the parties are turned out of the theatre, or taken into custody by the constables and officers; but in these cases, there is some danger that the cure shall be worse

than the disease; for the ejection, or the capture, occasions a disturbance, the very thing which the thieves want, and they fail not to make use of it to the cost of the unsuspecting.

It would, perhaps, be illiberal to the public, and it would certainly be injurious to the treasuries of the theatres, as these establishments are now conducted, to abolish this cheap admission, at an hour, and for purposes, when, and for which, morality and good taste equally forbid admission; but, really, while it is continued, it would be too much to hope for any thing like a respectable drama, either as to audience, or as to acting. One cannot attend without being compelled to notice vice in the most broad, open, and unblushing character, apparently encouraged as a thriving and regular part of the establishment; and therefore it becomes impossible to think of the theatre, without associating with it this accompaniment. Nor can there be any doubt that this has caused the drama to be deserted by the really respectable part of the British nation; and this being the case, the managers have been compelled to lower the taste of the entertainments to that of the audience. Refined sentiment, elegant language, and chaste and graceful attitudes and gestures, would not be relished by the ladies of the saloons and the loungers in the lobbies. These have humours and

tastes of their own; and as they are the "nature" to which "the mirror is held up," the mirror would be deserted if it did not show their own features.

It would, at first, seem not merely a puzzle, but an absolute impossibility, that a people, in whose literature there are the very first dramatic writers that ever were produced, and that not in an occasional giant, who, like Shakspeare, could, even in the lightest of his sport, toss about every passion of the human heart, and every character in human society, of any age, or of any country, but in a numerous constellation in every department of the drama—a people on whose boards there have appeared the most choice and the most chaste performers of both sexes—a people who have rewarded, and are still disposed to reward, the leading stars of the histrionic galaxy, with more both of "solid pudding," and of "empty praise," than any other people that do or that did exist,—should in the most glorious time, the most bright and brilliant career of every thing else—when animosity and corruption have skulked away from politics, when the voice of the Government abroad is bold and successful for the liberties and the weal of every people that is enslaved or oppressed—when the noblest spirits in the land make it their nightly study, and their daily task, to improve every insti-

tution, and remove every obstacle that lies in the way of the people's improvement and happiness—when science and the principles of the arts (those arts which have changed a small northern and cold island into the treasury and storehouse of the globe) which, only a century ago, were but as the day-spring upon a few of the loftier peaks, are now the clear shining of the meridian, penetrating, enlightening, and increasing everywhere, — should, amid all this, have its drama in a state that would disgrace the barbarians of a rude age. If, of all men, the higher dramatic writers of England have taken hold of the most certain immortality; if, of those who make money by their mere personal exertions, the heroes (and mimes) of the drama be even yet the most successful; and if the stars of that cours shoot up into the sphere of nobility with more certainty, and less worth of personal virtue or royal favour, than any other class of the Babylonian or the British fair, one cannot, upon the first blush of the matter, help being a little astonished, that the centres of all this glory and gain should be the grand magnets for the attraction of immorality. Here, one would think, there is a prize that would tempt the purest and the most daring spirits of every age; and the throng of the high and the respectable, to hear the eloquence and see the grace of these, would be such

as to brush away all pollution from the theatres. Instead of this, however, matters really take the very opposite turn: as the people become capable of appreciating higher merit in the art, the drama sinks down; and it is just because the spirit of the drama is gone, that we find those abominations about it. The vultures and the vermin infest not the living body; and if we find the former flocking and the latter crawling at any place, it needs no examination or inquiry to find out that "there is carrion there."

One cause of the deterioration of the Babylonian theatres—I speak of the national ones—is their vast size. An apartment may be made of any dimensions, below those at which oak, or stone, or iron would be crushed and broken by its own weight; but you cannot, in the same way, enlarge the human powers or quicken the human perceptions. You may construct a playhouse as spacious as the amphitheatres of the Romans; but if you do, the rational and regular drama, that which represents the action, and delineates the passions of human beings with nature and truth, cannot be enacted there. If you will have the amphitheatre, you must take the gladiators and the wild beasts along with it; and though these may not literally tear and destroy each other, they are sure to make wonderful havoc upon congruity and taste. They

do this, too, not from any wish or intention on their part, but as an unavoidable consequence of the circumstances under which they are placed. A sentiment is not lofty in proportion as the words in which it is uttered are loud; and to bawl like a stentor is a symptom of vulgarity rather than of high breeding, and of cowardice rather than of bravery. Violence of motion and gesture are no measures of the depth of passion or feeling; they are rather proofs that the agitation is counterfeit, or the party vulgar. When the heart is deeply agitated—when the man has cast off, or been cast off by, the world's counsels—when the warfare is within, and he is moulding his purpose—there are no shrieks, and starts, and wild gesticulations. Just as the breaker shows that the sea has no depth, and the slow-moving and hardly perceptible eddy is proof of the profundity that is there; the external brawl may be taken as conclusive testimony that the mind or the emotion is shallow, and the purpose for which it is agitated cannot have much interest. The unutterable things which so magnify the mind —the man and what he may do—by their hugeness and their dimness, make not much stir. It is only at the point where the mind gives way, or at the moment when the purpose is executed, that there is room for vehemence and contortion. Before these can be admitted, the man must have

abandoned every thing mental, and be, for the time, a mere animal; a character with which the idea of a hero, or lofty character of any kind, cannot associate beyond the instant. While the rudder retains its power, and the vessel holds on her way, there is, let the storm rage as it will, a species of firmness; and when the reeling and the splash come, they are clear proofs that the helm is gone. Just so with man: while he continues to act his part, there must be calmness and self-possession; and when these depart, if the departure be any thing more than momentary, the man ceases to be great.

At half the average distance at which the audience, in either of the great theatres, are from the stage, it is impossible to hear words spoken in the natural key, or to see the natural working of emotions in the limbs or features. Thus there can be neither natural dialogues nor natural pantomime, and thus the whole *effective* part of the matter, all that can "tell" upon the audience, must be either *spectacle*, or grimace and ranting. Hence an ugly face, or a harsh grating voice, is among the most valuable endowments of a modern actor; and if those who are now acknowledged to be at the head of the two classes of heroes and humourists were deprived of these, their popularity would be reduced almost to nothing. Hence when the *names*

that are found in Shakspeare are introduced into the playbill, (and Shakspeare is not favoured or even tolerated by the playgoers of the time, unless he have the patronage of some star of name,) the delineations that ensue, are not the full and sustained characters of the bard. They loiter through the play, and it is only in one or two points—claptraps, where a trick has probably been first yelled into popularity by a party hired for the purpose, that any impression is made upon the audience. When a new actor starts, or an old one is restored, he is nothing without his *clacqueurs*, who all have previous notice of the points at which they are to applaud; and it is sometimes very amusing to see how one more dull and careless than the rest, comes in with his patter of applause at the wrong place.

But besides the impossibility of having chaste and natural acting in houses of such dimensions, that circumstance reduces the importance of the actors, whatever they may be, as part of the whole exhibition, by destroying the congruity and keeping between them and the scenery. It sometimes happens, in the case of "the real great"—that is, of those who hold the offices of greatness—that the trappings divide the glory with the man, and sometimes carry it off from him altogether. Now, if this be the case where there is at least the official substantiality of greatness, much more must it be

the case where the whole of the greatness is ideal and known to be so. The mischief which over-decoration, even in a single actor, produces upon the taste of the audience, and consequently upon the character of the acting, did not escape the scrutinizing satire of Pope.

"Booth enters: hark! the universal peal!
But has he spoken? Not a syllable.
What shook the stage and made the people stare?
Cato's flower'd gown, great wig, and lacquer'd chair."

So far from these trappings having any thing to do with the merits of Cato, they were themselves most ludicrously out of character, and could not one of them have belonged to the real Roman. They seemed, however, to "dazzle the crowd, and set them all agape;" and to call off their attention, not only from the sentiment of the play, but from the way in which the disfigured patriot might be represented.

Now, the modern managers have found their profit in tricking out the whole house in a manner as gorgeous, if not always as incongruous, as that in which Booth tricked himself out to play the senator. The house itself glares in colours, and glitters in gold leaf, and so many hues of radiance come upon you from the faucettes of crystal, paste gems, beads, bugles, and all manner of tinsel, that

you can hardly observe that which is human of the actors, or reckon them any thing more important than motes in the many-tinted beam.

That scenery and decoration are necessary in a theatre, not only for the benefit of those in whom speculation can pierce no farther inward than the eye, but also in order to perfect the illusion to those that go along with the feeling of the piece, I shall not attempt to deny; neither can I deny that the scenery at the Babylonian theatres is always very showy, and not unfrequently beautiful and appropriate. Still there is a keeping demanded: there is an elder muse there, and to her the government of the theatre belongs in right of primogeniture. Poesy is the legitimate sovereign of the theatre, and if she be dethroned on account of any other, the legitimate drama is at an end. No pictorial representation in the theatres can ever come up to the panoramas and dioramas, or any of the other exhibitions at which colours reign alone; and therefore a theatre, which depends chiefly upon its scenery, whatever may be its merits in that way, must be injurious to sound dramatic taste.

There is no doubt that the managers have some temptations to substitute scenery and spectacle in the place of acting. Painting is cheaper than performing, even when the merit is equal or superior.

The reason is obvious: the actor comes before the public in his own person; and his lot as to success or failure is decided by them; consequently, they are his real employers, and he is, if he be popular, the master of the manager, and can dictate his own terms. It is this which makes the road to fortune more short and certain with an actor than with any other artist; and which, if that which the public (right or wrong) applaud in him be peculiar, as contortion of face, flexibility of limbs, peculiarity of voice, either for speaking or for singing, makes him a despot whose throne no opposition can shake. The painter, on the other hand, is kept out of view; the public hear not of him, and they care not for him. If he works successfully, he must do it in retirement; and therefore his remuneration never is what he pleases to demand, or even what he should in justice get; it is what his employers please to give him. Thus the cupidity of the manager decides in favour of decoration.

This however, is not the only cause; for there are two others—necessity, and the taste of the audience. The necessity is so near akin to that above stated, that they may almost be taken as different parts, or peculiarities of the same. The expenses of the great *house* itself are so enormous, in proportion to the proceeds of an average au-

dience, as compared with houses of more moderate dimensions, that a great part of what should pay for histrionic talent is wasted upon them. The sums, too, which are paid to the "great stars," are so enormous—so perfectly above the value of what they do—so outrageously higher than what are paid, not only to any other mere artists and contributors to amusement, but to those who devote talents of an infinitely higher class than any which the stage, even supposing it to be perfection itself, could employ, and employ them in a way that is highly beneficial not to one nation, but to all nations at the time; and not to all nations at one time only, but to all future generations of all nations;—these sums are so outrageously excessive, that they eat up all that should support the other performers in the play; and thus the blank has to be patched over with scenery. If future ages shall take money as the measure of "all kinds of value," in the same manner as at present; and if, by being tacked to the end of any thing less worthless and perishable, the names and the remunerations of one or two of these stars shall float down the stream of time for a hundred years,—the people who are then in existence will be somewhat astonished to learn that, in the year one thousand eight hundred and twenty-seven, a man of no very exalted character or refined acquirements

received more money for ranting and grimacing a few speeches in a play, or a strumpet probably for trilling a ballad, in which there was no lack of *double entendre*, than the Prime Minister of England did for performing the highest and most important act of his official duty. It might, perhaps, be pleaded in justification, that the song of delivered nations, the congratulations of enlightened minds, and above all, that highest of human rewards, the *mens conscia recti*, form the true emolument of the minister, and he looks upon the pecuniary part of the matter rather as an incumbrance that must be suffered for his existence, than as any measure of the value of what he does; and that, as the spouter or the singer has only the clapping of the night, without any pride for good done, or any *mens*, whether *conscia recti* or not, whereon to ruminate and repose, he has nothing to look to but that which "perishes with the using," and so must grasp after it as much as possible. Those who wish to have the benefit of this plea may avail themselves as much of it as they please; but though it may be a justification with respect to the rest of society, it is none whatever as to the mischief that they do to the drama, upon which, in more respects than the one under consideration, their influence is most pernicious.

But the audience, degenerated as it is in quality

and character, favours an excess of scenery and decoration. To wonder at these, requires no preparation in taste, and no labour of understanding. As Addison (I believe) says, "it is only opening their eyes and the scene enters;" and thus as one gaudy piece of canvass succeeds another, they have something to gape and even talk about, without any thing to disturb the unspeculative repose of the most somnolent fancy.

There is another way still in which the largeness of the theatre militates both against their own profits and the popularity of the drama; and that is the distance from which a respectable audience, capable of filling them, must be collected. To a family, living in a distant part of the Babylon, even within that magic but most absurd distinction which is said to be "upon the stones," the expense of going and returning may be double that of the theatre itself; and if they be "off the stones," that is, in any of the suburbs or villages, where health dictates that families who can afford it should reside, then the "back," or double fare for the additional distance may repeat the amount again; or if the party should alight "on the stones," and walk along the lane, or across the fields, there is a chance that they are driven by a "flash" coachman—that is, by a thief—who has brought his confederates with him, on the box and

behind, just in order that they may waylay and rob his fare after they are set down; and he, honest man, know nothing about the matter.

Now, waiving the danger altogether; and it is far from being an ideal one, it cannot be expected that a party who could afford to pay, say a guinea for an evening's attendance at a theatre, and who, if that theatre were at a reasonable walking distance, could attend it without any farther cost, can attend so often if they have to pay a guinea or two more. Hence, unless when there is some great attraction, for which people will be content to sacrifice what would, otherwise, be their theatrical allowance for some time, the great theatres must depend upon casual visitors, and those who are attracted there by the saloons.

Indeed, until the great houses shall be abolished, the Babylon parcelled out into districts, and a theatre of moderate dimensions established in each, the Babylonian drama can neither be respectable in itself, nor respectably attended. The audience and the exhibition are something like the supply and demand of the political economists, one cannot say which is the cause and which the effect; but they have a powerful influence upon each other; and if the one be by any means debased, the debasement of the other follows as a matter of necessity.

The magnitude of the theatres, the mere expenses of the houses (estimated at about two hundred pounds a night, for each of the great ones,) the star-system, and stars only can be seen by the naked eye athwart the yawning gulf between the boxes and the stage, and all the causes above cited, with some others, have sunk dramatic writing to an unprecedented ebb. What was said of the office of Laureate, when the elegant Gray refused to be the successor of the former holder, may now be said of the other part of that former holder's craft,

"Debased by Cibber, and contemn'd by Gray."

When Byron, the poet who, since Shakspeare, certainly both probed the deepest into the arcana of the human heart and character, and threw man, in all his moods, with the most force upon the canvass, turned away from the stage with the most indignant scorn; all others of name and note, "far down the *gradus*," have followed the example of the noble bard, till it may with the utmost confidence be stated that, of the song-stricken sons of the Babylon, not one of "any rateable rate" woos the histrionic muse; and sooth it is, that if any thing in which there is originality happens at any time to steal in, it is the production of some Shakspeare-smitten wight of the provinces, who singes his airy wings once, or at most twice, at the manager's lamp,

and then drops down to be heard of no more; or, if he has the hardihood to mime in motley, he falls into the phalanx of those who,

> "Old puns restore, lost blunders nicely seek,
> And crucify poor Shakspeare, (no, not him,)
> twice a-week."

Instead of drawing upon his own resources, the playwright is fain to tie himself to the tail of some successful novelist; to dilute a French farce with "quips and puns," suited to the taste of the audience; or to treat the public with a rehearsal of any occurrence, or enormity of the times, which has been floated into notoriety upon the paper wings of the daily news.

In short, the legitimate drama, the representation of lofty character and deep feeling in human life, is no more; and just as the number of people who are capable of appreciating the giants of the art in the closet, has increased, the number of those who care for the same in the theatre, has diminished. And why? Something is, no doubt, owing to the character of the nation, as well as to that of the age. John Bull is of matter too solid for making a business of the theatre; when he goes there, it is merely because he is moved on by the current, and all that he seeks, or cares for, is a laugh. The great, with the exception of a few

individuals, to whom a "she-star" on the boards has more attraction than the star of an order of knighthood, have got beyond the state in which the stage "can rouse the snoring demon in their breasts." If my Lord were to go there, he might have his tailor in the box on the one side, and his boot-maker in that on the other; and the ghosts of the unpaid bills might be as terrible to his imagination, as that of Banquo to Macbeth. These might "beckon him to hell;" and so, to save them the trouble, "to *hell* he goes," if he be reduced to the stimulus of dissipation. If he be political, he goes to his club; and if he be of the *ton*, he makes "Mahomet come to the mountain;" his house is thrown into a wilderness of sweets, among which the nightingales of the Drama and the Opera warble much to their satisfaction and profit.

But though the nation and the age are the causes of a good deal of the falling off, they are not the only causes:—though

"The heavy wit that hangs at every lord."

in these days be "the wit of cheats;" yet, as the increase of wealth, and with it power and influence on the part of the people, has wonderfully lessened the dimensions of lordship as part of the nation, and as they do not now give the same tone to so-

ciety, and take the same lead in it now as they did an age or two ago, there would, were there not "sins on the other side of the Trojan towers," be an ample theatrical public without them.

As to the materials of the play, the manager cannot afford to pay for original talent; and though he could, he durst not employ it. He cannot afford it, because of the heavy expenses of the house, formerly mentioned; and though he could afford it, he is controlled by his destiny—"the stars" will not allow it. It seems, the Babylonians are never to be altogether freed from the dominion of astrology. The days of Sidrophel have passed away, and people do not now go to the cunning man and pay him for drawing a horoscope and casting the nativities of their children, "according to the flesh." If, however, the brains, or the portfolio of any one, happen to get *enceinte* in the dramatic way, the parturition is suspended until the Sidrophel of the theatre shall consult the stars; and if it turn out that "the lord of the ascendant is in malignant aspect," the bantling is not permitted even to cry. I have no wish to penetrate the green-room, nor would I disclose the mysteries there, even though I could stoop to pick up the knowledge of them; but I may mention, that when one play ("William Tell," I believe,) was first submitted to Sidrophel, there were two interesting

characters in it—old Tell and his son, and that there were some spirited passages in the character of the youth. Sidrophel began to raise his figure according to the accustomed rules of green-room divination; and for a time all looked benignant and promising; but when he came to the aspect at which young Tell seemed to be the ascendant, the "other lord" started from his sphere, like a comet,

> "That fires the length of Ophiuchus huge
> In the arctic sky; and from his horrid hair
> Shook pestilence and war;

and nothing could avert the direful omen, but the sacrifice of the taste of the author, the truth of the story, the keeping of the play; and the award of all the best passages in the younger Tell, to him who played, or was on those conditions to play, the elder. This is a tyranny to which no man of talent, no man capable of writing a good play, would submit, and to which if any man submitted, his independence, and with that all which were original and valuable in his powers, would cease. Spur Pegasus as much as ever you please, though even with the armed heel of poverty; but if you pull the curb, and especially if you attempt to put on a martingale, down he drops, loses his wings, and becomes a very hack.

If Shakspeare had drawn his Richards, and his Falstaffs, and his Touchstones, for the Keans, and the Ellistons, and the Listons of the present day, think you that they would have had that spirit of immortality in them, which no bad acting or neglect can cause to evaporate? It is impossible; for if they had, the author and the actor would have been buried in the same grave, and gone together into the same oblivion. It may be true that that great anatomist of the mind kept in view the performers by whom the parts in his plays were to be performed,—that he in part touched and took hold of the clay tenement that was first to hold the transmigratory spirit of the character. But though to a certain extent he did and must have done this—it being in vain to produce a character for the stage that could find no representative, yet it is clear that he never allowed the actor, even for a moment, to come between him and that high and universal character, that magical creation, which was not confined to any man or any time, but which formed one of all men in all ages, which it was his main purpose to delineate.

This is not all, for so much is the matter in the hands of these who, sometimes not by the most honourable means, have got themselves howled or scribbled into notice, that we have not only the play written for the actor, but we

have him hashed up at second hand; and an entertainment (as it is called) got up for the express purpose of one player giving us the peculiarities—often the offensive, and generally the tasteless peculiarities, of another. The original character is nothing in itself: it contains neither power nor wit; but the actor for whose face or figure it is written, happens to make himself more than usually ugly in it; the gods thunder, the demons of the pit yell, the pens of the critics are up to the feather in ink; and then the *imitatores servum pecus* are "at it" all over the Babylon in brief space. This of itself would be quite enough to exclude from the house any one possessed of delicate taste in the drama.

Mere dramatic taste is not, however, the only taste which is habitually outraged. One who has any reasonable quantity of moral feeling, and more especially the female sex, the honourable part of whom should be among the first attractions of the place, cannot with safety go there. It is not the nature of purity to be censorious; and if vice will but hide itself in its congenial darkness, virtue may pass it without thinking much about the matter; but if the most depraved and abandoned licentiousness will throw off all veil and concealment; if it will, even garnished out with degraded beauty or prostituted talents, thrust itself forward,

cast its harlot eye in scorn upon neglected virtue—neglected because it is virtue, and demand and get the chief approbation and the chief reward; how can any one who is virtuous sit still and notice the monstrous injustice? If the gallery thunder, the pit yell, and the press slobber with applause, the adulteress rank from the couch of mercenary pollution, or the harlot who comes reeking from the den of fornication, and tries to entrap, as if she were virtuous, the heedless into the sink of such matrimony; and if it be roared and written, day after day, and week after week, that such are the women whom the stage delights to honour,—how can maiden or matron go there? It is of no avail to take up the silly subterfuge and say, 'to the pure, all things are pure;' for foul and offensive things must always offend, if they are not kept out of the way. Could any honourable man sit still, in placid enjoyment, and in an assembled multitude, applauding a murderer—one who had not been merely once guilty of the crime, at a moment when passion had overcome him, but who made it a daily practice for the lucre of gain? Few men would dare to say that they would. Then how can it be supposed that a virtuous female can sit, in calmness and unconcern, to hear the nightly applauses that are bestowed upon a cold-hearted and mercenary prostitute? Fashion may do a good deal; but the sun of Babylonian

purity, ay, and of English greatness, will have gone down many degrees from that zenith of splendour which all who love England would wish to shine for ever, if the virtuous among her mothers and her daughters can sit by the while, when such applause is given.

If vice of this kind is applauded in the warmest manner, and paid for at the highest rate, it is no palliation to say that it is because the vice is accompanied by personal or professional attractions of a very high order. Though "the Devil be transformed into an angel of light," he is still the Devil; and not only so, he is the Devil in the most dangerous garb that he can wear. The beauty or the talents which the party may possess, do not redeem or elevate the vice; they are themselves debased by it; and the baneful influenee upon society is the greater in proportion to these.

For the honour of human nature there are still upon the boards of the national theatres females of the very highest talents, and at the same time of the most delightful manners and the most spotless virtue. These have been, of course, surrounded by the same contamination, and exposed to the same temptations as the others; and as they have rode buoyant in their purity upon that tainted and troubled tide in which so many have sunk, their praise is above that of other women. I shall

not attempt a solution of the problem whether these be or be not sufficient to stamp their own character upon the profession, or even so to divide it with the others, as to leave it, like Mahomet's coffin, suspended between the upper and nether skies. This much, however, is certain, that the number of openly licentious females that are upon the boards, the pecuniary encouragement which they meet with from the managers, and the applause which tkey draw down—or, if the phrase be better suited to the fact, rake up, from the *clacqueurs* and critics, must increase very much the class of females out of which actresses can be supplied, and bring upon the profession that censure which belongs not to it in itself, but to the way in which it is allowed to be conducted. If there were any necessary connection between the profession of an actress and loose habits, then there would be a plea for driving females from the stage altogether, and playing Juliet and Rosalind in mustachios. But there is none whatever; and the Siddonses, the O'Neils, and the Stephenses are demonstrative proof that there is not. Why, then, should the managers tolerate the nuisance complained of? Clearly because they do not understand their own interest;—or if they spurn that as a libel upon their wisdom, let them take the alternative—they intentionally con-

duct matters in such a way as to repel the virtuous and attract the depraved.

One would be led to suppose that the quantity of theatrical writing—one cannot call the whole of it criticism—which is in daily circulation, would tend to cure the ills of the stage:—at least that it does not, is a good reason for bringing it within the category of quackery. Medicine skilfully administered cures; but the more quacking, there is always the more disease. Even though good, it is doubtful whether criticism repeated every day would long continue to have any effect; and when in a good many cases there is reason to question both the honesty and the ability of what is written, the effect must be greatly diminished. Criticism to be pure should be made without any collusion with, or any thing, however small, given to, the critic, in the shape of bribe or gratuity. In the case of books, many of the editors of the minor journals praise them for the sake of the copy presented to them; and the proprietors, with but few exceptions, demand praise for the purpose of getting the advertisements.

I will not say that the same system affects the theatrical observations of all the papers; because there are some which, if they are not above being thus influenced, should be so. Still the gratuitous admission for "the editor and friend," upon all

occasions, and the possibility of, at times, extending that to a whole party, leave the purity of the criticism open to a good deal of suspicion, even in the case of some of the daily journals; while, with the minor weekly ones, the admission is not meant to be used by the editor at all, it is sought after as a bonus or a bribe to those who advertise in the paper. As applied to any evening but that of Saturday, any thing that a Sunday paper could say is anticipated by the daily journals; and thus the necessity, as well as the utility of attending, for the purpose of making remarks, is done away; the account of the acting is thus compiled from the opinions of others by one who, perhaps, does not visit the theatre once in six months; and the admission "goes its rounds," for the purpose of bribing the partners or clerks of advertising houses. Any one who chooses to take the trouble of going to these houses, on any of the days when the canvassers for the pure press of the week go a recruiting, may find the canvasser shuffling admissions to the minor theatres like a pack of cards, in order that one which strikes the fancy of the advertising clerk, may draw ten or fifteen shillings from his master for the insertion of an advertisement.

By this mode of procedure, and it is far from being a rare one, a double wound is inflicted—the clerk and the criticiser are both hurt. The clerk-

is tempted not to study the interest of his employer in sending the advertisement to the paper in which it has the certainty of being seen by the greatest number of those whose seeing it may conduce to the employer's interest, but to the paper which can give him as editor and "his friend"—in most instances a female one—an opportunity of visiting the theatre gratis, and, of course, spending at an oyster-house, when the play is over, the *pseudo*-editor's usual allowance for the night. One would suppose that the manager would not countenance this system; but he, too, has his bribe. His bills are inserted in the paper for the stamp duty; and there is a chance that the individual, who has been habituated to the theatre and its consequence in this cheap way, may take a liking to them, and return at his own (or his master's) cost. View them, in short, as you will, the Babylonian theatres have something of the "abomination" in them.

That abomination does not appear to be chargeable to the account of the individual managers; for there have been theatres, and large ones, under the management of committees;—committees, too, not of what one would call needy adventurers, whose "poverty" might seduce their "will" into an occasional peccadillo; but of the *preux chevaliers* of rank and patriotism, and presumable virtue,

men who could speak by the acre in "a certain House." They did not call upon the legislature to clear away the nuisance by which the theatre is surrounded,—they did not even bid the lean dogs of Bow beware of "the sweetened sop," and bark out,—they did not hunt for authors of talent, critics of integrity, or performers of purity. No, God bless them! they laved their limbs in the flood, and without heeding much its qualities, allowed themselves to be borne on by it. One threw the shield of his protection over a female already upon the boards; another sought to add to the number of the stars one who was already snug under the buckler; and of a third it might be said, as of δράκων μέγας πυῤῥὸς, that οὐρὰ αὐτοῦ drew the third part of "the stars;" though history be wholly silent as to the κεφαλὴ or the κέρατα.

If these things were done under the evergreen laurel of many boughs, what can be predicated of the ivy that creepeth up the walls? If there be any hope, or any necessity for indulging any upon such a subject, the only operation through which it can be looked for is *Macadamization.*

CHAPTER X.

WISE MEN OF THE BABYLON.

"You, that understand all books,
By judging only with your looks;
Resolve all problems with your face,
As others do with B's. and A's;
Unriddle all that mankind knows
With solid bending of your brows;
All arts and sciences advance,
With screwing of your countenance;
And, with a penetrating eye,
Into the abstrusest learning pry."

How much soever the modes and forms of the world may change, there is a wonderful permanence about the substantial things of which they are the modes and forms. That wisdom, of which the poet gives so graphic a delineation in these lines, takes a different type as fashion changes the habits of men and the idols of the crowd; but in its essence that wisdom continues always the same. When society is rude and credulous, it takes its

external character from the mystic and occult arts, and the wise man is a conjurer, an astrologer, a soothsayer, or a rhabdomancer, according to the state and leading folly of society; when mystic divinity is the idol, and when men cast away the substance of religion, in order that they may the more successfully hunt after the shadow, the wise man is inspired; when politics bear down all else, and change in the rule of states is approaching or impending, the wise man becomes an inventor of rights and a manufacturer of constitutions; and when the world is in happier train, and the desires of men are turned toward the acquisition of knowledge, the wise man becomes a portable encyclopædia, and tries to urge on the ball of science without troubling himself about the composition and qualities of that ball, or the laws of its motion.

Men of this description are sometimes impostors, and act their parts for a purpose; but they are more frequently self-deceived, the dupes of their own ignorance, or rather the victims of their own wisdom. Without presuming to say any thing about the abstract nature of truth—a subject which no man can by possibility understand, it may with confidence be stated that the *individual* truth, the truth upon which men always act when they act honestly, is just what the individual believes. In the opinion of other men, it may be

doubtful or it may be false, he may have taken it up from partial evidence, or from no evidence at all; but still, while he firmly believes it, it is just as much the truth to him, as if it stood upon a foundation of the most legitimate geometry. Nay, the less evidence upon which any thing that a man believes stands, the more satisfied, confirmed, and obstinate, is he in the belief of it. Folks call that superstition and folly, and a number of other names, hard and soft, which they would like very ill to have applied to themselves; and for so doing they do not deserve much compliment at the hand either of good-nature or of philosophy.

There are certain truths of which we have no proof whatever, other than our simple belief; but instead of putting these at the bottom of the scale, as being on the confines of dubiety, we set them foremost, and found the whole of what we call proved or demonstrated truth upon them. In the mathematical sciences, those points of unproved and unproveable belief, are not only the foundation on which the whole structure rests, they are the materials of which the whole of it is built, and into which it could all be resolved. Those little axioms are, as it were, the bricks of which we build those fabrics which we call trains, or reasonings, or arguments, and by the repetition of which we say that we prove and demonstrate certain things, and

place them on a foundation which is far more secure and unquestionable than mere belief. It is, however, belief, and nothing but belief; and the man who believes the concatenation, and yet would deny the individual parts, is the dupe of a more vitiated credulity, than he who contents himself with the individual points of belief, and never troubles his head about the concatenation.

This doctrine, and though simple it would not be easily overturned, forms both the reason for the existence, and the justification of their continuance in that state of existence, to those who may properly be called the wise men "of the Babylon," the men who come forward and claim to be the Sir Oracles in all matters, and who succeed in their claims, chiefly in consequence of the confident and valorous way in which those claims are advanced. The men believe that they have this pre-eminence; the belief is a most satisfactory and agreeable one; they dwell constantly upon it; and as that is the true way of getting out of their wits, they soon come to that state; and after that, the malady of wisdom must remain quite incurable.

Those wise men are so very numerous, they address themselves to so many particulars, and they are so diversified, that it would be quite impossible to do any thing with them in detail. Like all other persons in the Babylon, they race on in a

current; and thus if one were to stand for ever so brief space noting the individuals, they would be gone and forgotten; others would be in their places, and the public, looking to the originals immediately before it, would deny the likeness of the best limned picture.

In the Babylon there have always been those wise men, though the only traces of the former sets of them are to be found in the works or the remains of those who had no pretensions to an equal portion of wisdom, and did not receive during their lifetimes any thing like the same sort of worship and adoration. From their history, or rather from the want of history of them, it appears that praise and honour are as apt to be exhausted by wasteful and improvident use as money; and that a man who is a glutton of fame in his lifetime, is just as likely to die a beggar in that article, as one who is a glutton in turtle or opera songs, is apt to die a beggar as to cash. This is a doctrine not very often stated; but it is not on that account the less true; and those who have taken even a very little pains in examining human nature, may easily recollect confirmations of it. People in general prefer bestowing their admiration upon a mediocre personage rather than upon one who is more profound; because the envy which they have to the former is less humiliating and cutting; they

give their admiration as a sort of alms, sanctified by that mysterious source of sweetness to the giver—a consciousness that the receiver claims it not as a merit, but that it comes within the scope and province of that charity before which a trumpet is blown in the streets. On the other hand, the man of mediocrity has more appetite for this sort of praise, as well as more time for the enjoyment of it. The man who has superior powers, and who knows and feels that he has them (and few or none can have the possession without the knowledge and feeling), finds his greatest pleasure in their exercise; and as the mass of the world cannot see and appreciate that to which he attaches the greatest value, he does not care much for their opinion. If folks do not get the thanks they want in return, or feel that in the trade they do not get more distinction than they give, they will soon cease from it. Flattery, though at first sight it may appear to be one of the least selfish of human occupations, is really the most so. The natural instinct of men leads every man to place himself at the very head of the class; and though he may not be able to confess it, or rather willing to confess it, every man does so place himself. There may be points on which he concedes the advantage to others, just as a man will admit that another is taller, or stronger than he; but there is always something

upon which the individual plumes himself as having no rival. That is his standard in his own mind; and he never honestly gives another man praise in the direction of that.

This may seem either to be very trite or very trifling—and the reader may consider it as either or both, according to his pleasure; but it is nevertheless very true, and, properly applied, these trifling matters often throw the greatest light upon the actions of men. The whole race are made up of trifles: the greatest and noblest action, the most elaborate work, and the most profound disquisition, are all reducible into elements, each of which is so trifling and insignificant that, if met with singly, it would be passed over without notice. The grandeur is in the aggregate, not in the elements; and as the mud or the brickbat that goes to the formation of the most splendid palace is not better than that which goes to the meanest hovel, so the individual, the momentary acts and impulses of the greatest philosopher, are not more valuable, or in any way much different from those of the merest fool.

The tendency which men have to keep the preserve of their own glory—to give no real praise to others in the direction in which they are most prone to praise themselves, is the cause why the mob are almost always wrong in their judgments; or,

which is very nearly the same thing, it is the cause why those to whom the popular voice awards the palm of wisdom, are never the wisest men,—why those who to-day ride foremost as bubbles on the Babylonian stream, are hardly asked for to-morrow, and if asked for, not a trace of them is to be found.

One thing is necessary here to guard against error,—we must be careful not to confound the praise that is given directly to the man, with that which is bestowed upon the thing that he may have produced. When approbation comes in that way, it comes through the filter and is pure; men give it not because they are selfish, but because they cannot help giving it. When the act elevates the man, the elevation is always merited on his part, and never addresses itself to that passion of mankind by which they value most that which they do to the undeserving; but when the thing done, derives its merit from the man who does it, it is merely a consequence of that selfishness which made the world, in the exercise of that which it calls charity, give him the undeserved reputation which imparts merit of its own sort to the deed.

In consequence of this, men are led to praise the most willingly and the most loudly that which they understand the least. This opens widely the flood-gates that let in upon the world men who have the name of wisdom, but who in reality are the-

very opposite of wise; and of such men the Babylon is full, above all places. It is not, perhaps, because the Babylonians are less capable of drawing the line of distinction between wisdom and the want of it, that they are more inflicted with spurious sages. It is principally because the succession is so quick that the individual will not stay before them till they have questioned it. When they begin to think, they at once see that the idol of the moment was a false idol; but before they have had leisure and consideration for coming to this conclusion, that idol has gone, and they are borne on the ripple of that crowd which is hallooing and shouting in praise of another.

Besides these wise men of the moment, who get their ephemeral praise and character because the current of the world will not suffer them to stop till men question them, there are others that are left dry and stranded upon the banks, because the current has run on, altered its channel a little, and left them there.

These chiefly belong to the institutions that are from time to time established as dams for the collection of wisdom. At first they are, like other dams, not unfrequently clear and copious; but the feeders bring mud and rubbish into them; and they silt up, and become foul and pestilent—cease to give motion to the machinery of society, and

scatter disease over it. This has been more or less the case with all the literary and scientific institutions in the Babylon, that have existed for a sufficient length of time. While they possessed the charm of novelty, perhaps while information was rare, and the capacity of solving a problem or writing an essay was a distinction, they had their celebrity and their use. They drew the attention and stimulated the labour of the ablest men of the time; and they did good. But it was only while they had the charms of novelty that they did this. When these went, the active and ambitious spirits went to lend their aid to more stimulating pursuits; and the learned societies were abandoned to those who had not talents or ambition for any thing else. There was a time, for instance, though it be long ago, when the professors at Gresham College were among the leading men of the time. What are they now? Nobody can tell, and nobody cares. The Royal Society,—that was once an institution of some note; it made an impression upon the character, not of England merely, but of the world. What is it now? Some one wiser than I can ever hope to be, must solve the question. I have looked, I have listened, I have asked; but I have learnt nothing farther than that it is the Royal Society,—that when any body that has acquired such name and reputation out of doors, as that the addition of

him to the file is likely to bring a little eclat to the firm, he is invested with the cabalistic F.R.S., which he is thenceforth permitted to append to his name in all time coming,—and that there is a secretary, a president, and other "fixtures" in the place of meeting. Of this I have been able to inform myself; but farther than this, the establishment has eluded my observation; and when I have wished to discover the said Royal Society as shining, I have invariably been obliged to go nearly a century back,—and probably it shone then only as a farthing candle or a putrid fish-head does in the dark—because the sun was not above the horizon.

Of this society, and of others of more recent formation, I would, however, speak with all the tenderness that I can. There are many persons of good means and good meaning, who take it into their heads, that without their fostering care the arts and the sciences would languish and die. They do not much to keep them alive, to be sure; but then there is something praiseworthy in the wish; and the merest twaddle that gets the name of science, is far better than the pursuits of the majority of persons of the same class. Upon the whole, a good-natured person will feel toward those societies as toward ruins of any kind,—they are picturesque in themselves, and they give a sort

of melancholy remembrance of things that are now no more,—they take up the ground unprofitably, but there are shadowy and romantic recollections about them, which, to minds imbued with much feeling, more than compensate the loss; while, by a very little additional activity on the part of the rest of mankind, that loss may be more than made up even in a physical and practical point of view.

Therefore, the wise men who make their holes in those monuments of the science of former times, may be allowed to walk in them without annoyance; and if they wish to cover themselves with any portion of that fame of which they are the epitaphs, by all means let them do it. The operative wisdom,—that wisdom that works in society, and works to some good practical account, has left them now, and gone to the manufactory and the workshop; and as they have been thus robbed of the usefulness, it would be cruel to strip them of the simple glory.

Wherefore "turn we our style" to the wise men of modern art; to those who have come immediately to the crowd and sought glory from that and from that only. I believe I should not be very wide of the truth, though I should slur them all over in the general appellation bestowed in another sense by the maccaronic bard—

"Quack-*erunt omnes.*"

But they form part of the Babylon, not a merely passive part, like the men in office, but an active part, and therefore they both demand and bear to be dealt with somewhat more in detail. In fact, the picture of the Babylon would not be any thing like complete without them.

Far be it from me even to attempt to delineate those characterestic wise men of the Babylon in their details or by their names: the former would fill a book that might surfeit the Leipzic fair, and the latter are of so putrescent a nature, that I doubt whether even *my* printer could find paper that they would not corrode. Thus the preservation of both book and reader require that what follows should be confined to generals.

Generally, then, in the first place, I have found in those who pre-eminently deserve, or at least assume and appropriate, the name of the wise men of the Babylon, a regular despising if not hatred of religion. Now, though I hate cant as well as formality and bigotry; and though I have not settled, or even agitated with myself, the question as to whether the machinery of churches be essential to religion in general, or to the Christian religion in particular; yet I have never been able to bring myself to believe that a man who affects to mock at all religion can be a philosopher in any thing. It is rather a proof that the man feels his own

shallowness, and takes up that most morbid of all superstitions—the superstition of unbelief, for the very same reason that a medical quack gives a sounding name to his nostrum,—and gets people to purchase as the *pabulum vitæ*, that which they would not so much as look at if it was called by its real name—brick-dust and ditch-water.

Although I cannot, even for a moment, suppose that my opinion can have any weight with those wise men, upon whom higher testimony and universal evidence have had no influence, yet, for the sake of fools like myself, I may perhaps win a fool's thanks, (which compensates me for the censure of what is called a wise man, any day,) if I state in one or two lines or paragraphs, the grounds of my conviction why the man that rails and scoffs at religion as a feeling of human nature and an exercise of the human mind, is not only not a philosopher, but is really twin-brother to the man who uses the name of religion as a cloak for his sins, and the exercise of it as a means of raking up that subsistence or wealth which he is unable to get by any more decent or honourable means.

That which the conduct of both these parties tends directly to prove, is, not only that they are ignorant of the particular matter at issue, but that they are not thinking persons at all—that how much soever they may *pirouette* and play with

names, they have never grappled with things, or looked into that concatenation and sequence of events, which produces the natural world as we see it around us.

No doubt the nonsense which has been solemnly held forth, and printed on this most magnificent but most mysterious subject, has disgusted many; but still, he who has the active and honest spirit of inquiry in him, will brush all that aside as stubble, and go to the matter itself, with the same zeal and appetite as though there never had been a word of nonsense said about it.

A ship is a pretty thing, for it can make even an adverse wind carry it to the place of its destination; a watch is so, as it can measure time to us, even in the long and sunless night of the polar regions; and a steam-engine is a very pretty thing, as we can make it a servant of all work, and the most docile and punctual servant we have; but none of these is so curious a thing as that little fly on the window. He contained in himself the power of eliminating that form from the successive states of the egg, the caterpillar, and the chrysalis. He did not require the successive study of inventors, and the successive labours of workmen, to bring him to perfection; and as he moves along, he does not need to be steered like the ship, wound up like the watch, or supplied with steam like the engine.

The most curious of the machinery, too, wears out, and unless the workmen produce more, the kind would soon become extinct; but there is a principle of reproduction in the fly himself, which secures a succession without any apparent trouble to any thing else. Now the fly, instead of being the ship, the watch, or the steam-engine, of Nature, is hardly so much, in respect of the whole, as a hobnail or a peg, and yet, *as a piece of mechanism*, he is superior to them all. His feet are air-pumps, his eye is both a telescope and a microscope, and the little thing has sense, and feeling, and powers of voluntary motion in those parts of its body, which are so small that you cannot see them. They harmonize better, too, than the parts of your steam-engines and watches. In these there is a waste of materials in some of the parts, and a want in others; and the materials of which the different parts are constructed, are not balanced to the work they have to perform. In consequence of this, some parts wear out, while others are little worse, and the machine has to stop and undergo repairs. In the fly there are no such disproportions, and he has never to suspend his functions till a worn-out member be taken away and replaced by another.

We admire the ship, and the watch, and the steam-engine; call them the *chef-d'œuvre* of art and science; and write biographies and carve mo-

numents for those that improve them. Now, Nature is ship, and watch, and steam-engine—motion, and measure, and action, all over; and should we forget the Power, the Artist that made that—and made it by a word? Do you praise and admire that which at the best can act but lamely, and not merely neglect that which is always perfection, but actually deny its existence?

Yes; but the wise man complains that he can see and understand the working in the case of art, but not in the case of nature; that therefore he can believe that there is an artist in the one case, but not in the other. And is this all? Does the wise man admit the existence of nothing but what is palpable to his own senses? Did you—he, I mean—ever see James Watt working at a steam cylinder, or Chantrey chiselling a statue, or Sir Thomas Lawrence painting a picture? Most likely not: then how come you to speak confidently about engines, and statues, and pictures, as being *theirs?* You never heard of nature, or chance, or whatever you call it, making a steam-engine, or a statue; and therefore you have reason on your side, when you say that these must have had makers of sufficient skill to design, and sufficient dexterity to execute them. You allow contrivance and design in the engine and the statue; but you deny them in the talents by which these were made. It is very noble to construct a

thing which steam can put in motion, or to model an image that has nothing but form; but to make a thing that thinks, or can move or not as it pleases, is so very simple a matter, that the clods—a set of powers that never made so much as a hobnail—can accomplish it!

Among men you do not need to see the artist at work; you trace his style; and if your judgment be properly informed, you know the production of the master just as certainly as if you had stood by all the time that he was engaged on it. Also, if a thing be well made and do not require to be constantly in the hands of the workman for repair, you do not, on that account, deny that it ever had a maker. You do not deny your watchmaker, because your watch does not need to be set once in a month, or cleaned once in a year: you praise him on that very account, call him a skilful and superior workman, and recommend him to your friends. But no watch keeps time like the sun; that does not need any repair; and yet you not only will not admire the Maker of that, but you deny that there is one.

You do not understand the matter; and you will not, cannot, believe any thing that you do not understand? Very well; you believe, I presume, that you can walk, or abstain from walking, just as you please; and do you understand why your

legs obey your will? Have you any more accurate knowledge of that than you have of the working of that unseen Being, which you laugh at other people for believing in? They know no more about your will, as an antecedent to the motion of your limbs, than you do about the will of a Creator as an antecedent to the work of creation; and you do not know much more about it yourself. Now, if in this very simple matter, which happens to you every day and hour of your life, other people can obtain no knowledge whatever, farther than the mere fact of the limb moving—cannot have evidence given them of the act of volition, or even of the existence of the will, and if you yourself know not much about the volition, and nothing whatever about that which connects it with the consequent motion of the limb, why should you venture to be positive upon the subject of creation, and positive too in the face of the evidence of that case, and the analogy of other cases?

There is not a thing in nature which is not far better adapted to the purpose that it serves, than the work of the very best artist; and, therefore, as it requires contrivance and skill to build a ship out of oak, why should it not much more require skill, to build the oak itself out of materials collected from the earth and the air? You admit the machine, the statue, or the picture, to be the

work of the master, when you see the style of the master impressed upon it: the style of the Master is impressed upon every thing that Nature produces; and yet you doubt and hesitate there. So universal, so visible is the impress, that the illiterate never mistake,—never attribute artificial things to Nature, or natural things to art; and nations, even in the very rudest states in which they have been found, have generally been so forcibly struck with it, that they have found it impossible to be without a religion. Nay, the very man who in his speech denies all religion, invariably proves religion by his actions. Nor can it be otherwise: you cannot look carefully at Nature, and doubt the being of a God; you cannot observe so much matchless contrivance—contrivance to which no skill and dexterity of man can make an approach at all in kind, without having reference to a contriver; you cannot trace the working, and refrain from, at least, mental adoration of the Workman. If man be not wrapped in the lowest ignorance, or if he be not fatuous and incapable of reflection, he must, just as naturally and irresistibly as pain offends and pleasure gratifies, admire that which is skilful in the design and beautiful in the execution; and the transition from the thing made to the Maker, is so constant, that we are accustomed to think it necessary and invariable.

Nothing, in fact, can bar it, but the causes that

have been mentioned—ignorance or mental weakness—the want of information as to the evidence that Nature affords, or the want of capacity for understanding that evidence. The case of fatuity is one that rarely occurs; and as it cannot, of course, occur in the case of a Babylonian wise man, who, in those matters of art and artifice to which his attention has been turned, is generally a shrewd man enough, those wise men must fall within the category of the ignorant.

That ignorance is, in the second place, easily accounted for. In order that a man may be a philosopher in the largest and most valuable sense of the term, he must be taught, or at least permitted to study, in three schools:—First, the common technical schools of the world, where he finds the interpretation of the laws of Nature by men—which interpretation may be right or wrong, according as the interpreter, whose dictum is followed, is, or is not, sagacious and free from prejudice; secondly, the school of Nature herself, in which he may observe the working of those laws, and try the correctness of the commentary; and thirdly, the school of religion,—not that he may merely con by rote and repeat certain formulæ of words—for if mere unmeaning sound is to be religion, then one sound is just as good as another; and if there be no difference in the attached meaning and the excited feeling, a

popular song is just as religious, as much conducive to holy feeling and life, as all the paternosters that ever were said or sung,—but that school, in which the articles of religious belief shall be carefully compared with that evidence of the nature and attributes of a Supreme Being, which is found in the volume of Nature.

In the first of these schools, the wise man of the Babylon may have made a great deal of progress; but he is as generally altogether without the discipline and nurture of the second. Now, it is through the medium of the second only, that preparation is made for at all profiting by the third; and as the wise man of the Babylon has none of the preparation, he can have none of the advantages to which that preparation opens the way. His philosophy, whatever may be its measure or its weight, is a philosophy of art; a science merely of man and his doings, without any other principle of connection than the notion of present utility, and as that is a notion which is not only not the same in two individuals, but not the same in one individual at two different times, it is much the same with no connecting principle at all. The individual parts of such a philosophy are like unstrung beads, you cannot make use of them as an ornament;—it is as if the husbandman kept ploughing the field, and

airing and turning the seed over in the granary, but never thought of bringing them together.

It were well if this science of surfaces, this *pure* science, which, as Lord Bacon says of the final causes, "like a vestal virgin produces nothing," were confined to the wise men of the Babylon, to those luminaries that lump systems and lay on lectures for a day, and then vanish nobody asks where. Such, however, is not the case: there is every where a tendency to go into the mere art, to look only at that part and bearing of the subject which has reference to the merchandise and reward. This may be in so far necessary; and it is true that the turning of knowledge to profit is highly desirable. But still it is not necessary that man should become a mere engine, performing the work of the day, without reflection on the past, or speculation on the future. To make him so is the tendency of that wisdom which characterises the wise men of the Babylon; and as the Babylon is the principal theatre where all the faculties of men, and wisdom among the rest, find their exercise and their reward, it is but natural that the character of Babylonian wisdom should creep over the rest of the country.

The grand cause to which all this change for the worse is owing, is the division of labour; a cause

which, confined to its proper sphere and objects, has contributed, perhaps, more than any other to the physical wealth and improvement of England. Wherever the mere application of the hand, or even the employment of thought, as to a single subject, is the object in view, there cannot be too much abstraction from other subjects, and devotion to that. If a man would improve a steam-engine, a chronometer, or any machine, or even the cylinder of the engine or the balance of the time-keeper, or any single part of any instrument or machine to the very utmost; even if he would be very expert in the details and practices of any of those subjects that are called sciences, such as the nomenclature of botany or zoology, or the formulæ of the calculus, he must devote his attention wholly and constantly to that. But such a man, however dexterous he may become, of whatever use his labours may be to society, (and I am far from wishing to deny or underrate their value,) cannot philosophise, cannot give a general opinion on the principles of nature or society, to say nothing of religion, any more than the man who turns a potter's wheel, or spends his whole time in putting heads upon pins.

In his own little department he becomes microscopic; but just in proportion as he does, so he

loses the faculty of looking upon the whole of the frame of nature around him, and perceiving either the beauty and harmony of the structure, or the laws by which it is governed.

It is doubtful whether by any system of schools this science of concatenation, which binds all the scattered leaves of knowledge into a book, could be imparted. It is a science wholly of induction and inference; and, therefore, it is not possible that all which the schools could give, how long soever they were attended, or how zealously soever those in them did their duty, could be either the thing itself or the desire for it; and it is quite clear, that in a state of society, where people buy knowledge as they buy other merchandise, just to sell again, there is no inducement to bring such knowledge into the market.

The teaching of religion (any little that there is of it), so far from tending to mend the matter, has a tendency to make it worse. Even though the most skilful workmen came in good earnest to build the structure, they could not succeed,—there being no foundation on which to rear it. But the teaching, both to the infant and the adult, is a shutting rather than an opening of the gate of knowledge. Take the catechism of any church, established or dissenting, read it carefully, and then

tell me in what way it is likely to promote the knowledge and the love of religion in one who is ignorant of the one and who feels not the other. The scope of it is not to unfold natural religion, to answer those enquiries as to a Maker, which even an infant feels when the wonders of creation dawn upon him. Yet this is the first step—the one that grapples the mind to the subject; and if it be not taken, the second is impossible. You must not expect that children will pay any attention to mysterious tales about a Being whom they cannot connect with the system of things which they see. But the way in which they are usually treated, is worse than this. Every church is more alive to, and more zealous for, its own peculiarities as a church, than it is about the general principles of religion; and, therefore, those are the things which it labours first and chiefly to inculcate. Now, the very circumstance of these being the peculiar tenets of that particular church, as distinguished from other churches, is a proof that the tenets themselves are such as religious men, and men of information, are not agreed about; and, therefore, they are the very worst subjects for being made the vehicle of initiatory information upon the most abstruse subject that can address itself to the human powers. When a physician gives to his pa-

tient a medicinal substance, he does not give it in a vehicle which must, of necessity, throw it down in the form of an insoluble precipitate; he chooses one that will hold the substance in solution. But those incomprehensible words,—words which few grown up persons are completely masters of, and which no child or ignorant person can by possibility understand, are the only religious instruction which the majority of people get.

Upon such a foundation it is impossible for them to build for themselves, or get built for them by others, any rational structure in future life. The connexion with reason has been prevented from being formed; the whole that comes after is machinery — earthly machinery — machinery of which they do not see the use, and therefore there is a tendency to throw it into the general mass of merchandise, and rate it, like other things, at the money-price that can be got for it.

We are apt to wonder why, among the wise men of the Babylon, there are now no Bacons and Newtons, and why among her men of song there is not the least approach to a Milton. But we have the solution in what has been stated; there are no materials of which to make them, and there is no demand for them though they were made. What is called for is that which shall be cheap in the

production, and can be readily brought to market; and as there is no knowledge of general principles in the purchasers, there is no use of them in the thing offered for sale.

What effect may be produced by the London University, or by the London "particular" University—the King's College, which some say is intended to unteach all that is taught by the other, it is not for me to say. I can see nothing to take them out of the general track; but they have not made the experiment, and it would not be altogether fair to judge them beforehand, although the analogical grounds of that judgment may be ever so apparently clear. But when we turn to the existing luminaries—to those who hold forth at institutions, royal, civic, or plebeian, really there is not much upon which hope can be grounded. In all the lectures of the last half dozen years, I doubt whether one new fact, or induction, or even one new mode of drawing an old induction, has gone upon the record. I have heard lectures by Doctor This and Professor That; I have seen crowds attend them; I have heard these crowds thump the floor with their feet, upon signal given, at the close of certain passages; and I have heard thanks given by Presidents and Patrons, for that which, in my opinion, would have

justified them in pulling the quack from the rostrum, and sending him to the plough or the pick-axe; and I have afterwards known that the presiding quack has had influence (and one of the "im.s,") to get the prelecting quack pushed into the road to wealth, and such honour as may fall to the lot of one who abuses the public; but I have never been able to see in the whole matter any utility, further than that the whole might be set down as a sort of refuge for the destitute. At first I thought there must have been some lurking envy or some obtuseness of perception about myself; but there was, at least, no ground for the former; and if there had been a great deal of the latter, I must have felt pleasure rather than pain at perceiving that that was the very commodity that could be brought to the market with the greatest chance of profit. Among these philosophers of the mob, it would have been out of place to look for any thing like the splendour of philosophy—that captivation of the mind which carries one along, and makes one forget that the business is philosophy at all—that it is any thing else than a natural story, all probable and true, and without any marvel or mystery in it; but still one might have looked for something original, even if it had been but original nonsense. The

provoking part of the business, however, was, that both the sense and the nonsense were what any one might have known before; and the only alteration consisted in both being cracked and disjointed out of their original concatenation.

Of books I have said so much on a former occasion, that I am almost ashamed to recur to the subject again; and yet, as the same book is served up to the Babylonian public, I do not see that any very great blame can attach to me for recurring to the subject twice, the more so as, since I last noticed it, we have had a change. Then, I had to complain that in the scientific part of the Babylonian paper-wasting, wisdom and originality had ebbed clean away; but since then, there was a promise that the tide would return, and return with "the rush of many waters," till the proudest eminences of the olden time should be drowned in the modern flood. But alas for the event! They have come in the way that they ought to have come, but they have not come with the power. Men of sounding name and lofty pretension have talked most mysteriously about "the depths of science," and "the present state of mathematical knowledge," as being things which no man now in his grave, how recently however he may have got there, could fathom or foreknow; but when that,

before which they sounded the trumpet, came, it turned out that the unfathomable places, which they had called the depths of science, were merely holes that they had torn in it by their own bungling, and that they had been unable to find the bottom, simply because there was none to be found. If it had not been for these lofty pretensions, and the "testimonies of living authors," one might have guessed beforehand that the men who spoke thus were shallow. There are no depths in science, any more than there are steps a mile long in a public road. The beauty of science, indeed, consists in there being no depths in it; in its being like a skilfully constructed road, in which there are no holes, and in which the heaviest carriage of authority or custom cannot wear a rut. It is the same to one man as to another, and the steps of it, however long it may be, are all in themselves equally short and easy. The traveller may get fatigued, may want strength or resolution to go on, or he may be tempted to turn into some bye path, or stop by the way; but most assuredly there is nothing in science to stop a man's progress or to render it more arduous at one time than at another, provided he has his face turned the right way when he sets out, and keeps it so turned as he proceeds. Accordingly (I would name him,

but I have said I will mention no names, and I shall keep my word,) the learned Theban who so "cried *from* the depths of science," turned out to have had his face the wrong way at the very outset. He was bound for the depths of science, but he ran aground upon the first simplest and shallowest of all possible scientific ideas—the idea of unextended position—a mere mathematical point —a thing which has no qualities whatever, and about which there can, therefore, be neither mistake nor dispute, but such as are chargeable to that kind of disposition which is, and can be, wise only in words.

Still, there is some sort of reaction; numbers of people, who have time to think, do talk more and more rationally about science than they did some time ago: and if they be not able of themselves to do much for the restoration of their country's honour in that way; and if there be few, or probably no living men that are, in the meantime, just in the proper way of helping them, they may still keep the subject alive—prevent it from being lost among the spoken nonsense of the time; until the noise that has been made about it shall call into being or action some one who can do that which they are most laudably attempting; but for which the others, in whom they have

hitherto trusted, are most lamentably unfit. If I might venture to state where the most confident hope lies, I would say in the people themselves. The schools and the schoolmen taught the people in the beginning; but now that they have set about it, the probability is that they have become wiser than their teachers, and may turn round and school them in the end. When the existing establishments were formed, they were formed at the will and for the honour and advantage of those who were to deal in wisdom as a commodity—just as the laws were at first made for the administrators, and without any care about the opinions or the advantage of those who were to obey them. But when the great body of the people are so informed as that they can judge of the matter, and in what respect it bears upon their interests, the despotism of the few is dissolved; and, whether they will or not, they must be content with being the servants and scholars of the public. In politics and law-making the English public have assumed this their proper privilege already; and they have only to inform themselves as well on matters of philosophy, in order to fetch wisdom out of the prison-house of the schools, and make her dwell in freedom with the people. Some of that which has been done gives a bright gleaming

through the gloom; and though I may not hope to live and profit by it, or even long to rejoice in it, I feel that, if what is now doing had come half a century earlier, I might have been judging some thing else than Babylon the Great.

END OF THE FIRST VOLUME.

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